

**HOUSE JOURNAL
61ST LEGISLATURE
FIRST LEGISLATIVE DAY**

Helena, Montana
January 5, 2009

House Chambers
State Capitol

Pursuant to the Constitution of the State of Montana, at the hour of 12:00 noon, the House of Representatives of the 61st Legislature of the State of Montana was called to order by the Honorable Linda McCulloch, Secretary of State of the State of Montana.

The Montana National Guard under the leadership of Denny Leniore posted the colors. Secretary McCulloch led the Pledge of Allegiance to the Flag.

Invocation was given by Rev. Rowlie Hutton. Secretary McCulloch thanked the Montana National Guard and Rev. Rowlie Hutton.

Chief Clerk Dave Hunter called the roll of the members of the House of Representatives of the 61st Legislature.

District 1, Gerald Bennett
District 2, Chas Vincent
District 3, Dee Brown
District 4, Mike Jopek
District 5, Keith Regier
District 6, Bill Beck
District 7, Jon Sonju
District 8, Cheryl Steenson
District 9, Scott Reichner
District 10, Mark Blasdel
District 11, Janna Taylor
District 12, John Fleming
District 13, Pat Ingraham
District 14, Gordon Hendrick
District 15, Frosty Calf Boss Ribs
District 16, Shannon Augare
District 17, Russell Bean
District 18, Jesse O'Hara
District 19, Mike Milburn
District 20, Deborah Kottel
District 21, Anders Blewett
District 22, Bill Wilson
District 23, Cydnie (Charlie) Boland
District 24, Brian Hoven
District 25, Sue Dickenson
District 26, Robert Mehlhoff
District 27, Llew Jones
District 28, Roy Hollandsworth
District 29, Edward Butcher
District 30, Dave Kasten
District 31, Margaret Campbell
District 32, Tony Belcourt
District 33, Bob Bergren
District 34, Wendy Warburton
District 35, Wayne Stahl

District 36, Julie French
District 37, Walter McNutt
District 38, Dennis Getz
District 39, Lee Randall
District 40, Bill McChesney
District 41, J. David Roundstone
District 42, Carolyn Pease-Lopez
District 43, Duane Ankney
District 44, William Glaser
District 45, Tom Berry
District 46, Ken Peterson
District 47, Dennis Himmelberger
District 48, Wanda Grinde
District 49, Kendall Van Dyk
District 50, Tom McGillvray
District 51, Robyn Driscoll
District 52, Arlene Becker
District 53, Elsie Arntzen
District 54, Margaret MacDonald
District 55, Cary Smith
District 56, Don Roberts
District 57, Penny Morgan
District 58, Krayton Kerns
District 59, Paul Beck
District 60, David Howard
District 61, Joel Boniek
District 62, Bob Ebinger
District 63, Jennifer Pomnichowski
District 64, Franke Wilmer
District 65, Brady Wiseman
District 66, Mike Phillips
District 67, Gordon Vance
District 68, Scott Sales
District 69, Ted Washburn
District 70, Michael More
District 71, Bob Wagner
District 72, Jeffrey MacLaren
District 73, Pat Noonan
District 74, Art Noonan
District 75, Edith McClafferty
District 76, Jon Sesso
District 77, Scott Mendenhall
District 78, Jill Cohenour
District 79, Chuck Hunter
District 80, Mary Caferro
District 81, Galen Hollenbaugh
District 82, Mike Menahan
District 83, Harry Klock
District 84, Mike Miller
District 85, Cynthia Hiner
District 86, Dan Villa
District 87, Ron Stoker
District 88, Bob Lake
District 89, Gary MacLaren

District 90, Ray Hawk
District 91, Tim Furey
District 92, Robin Hamilton
District 93, Dick Barrett
District 94, Dave McAlpin
District 95, Diane Sands
District 96, Teresa Henry
District 97, Michele Reinhart
District 98, Sue Malek
District 99, Betsy Hands
District 100, Bill Nooney

All members present. Quorum present.

Linda McCulloch, Secretary of State of the State of Montana, extended greetings to the members on behalf of the State of Montana and then delivered the following speech:

"Good morning and welcome to Day One of Montana's 61st Legislative Session. As we get started today, let's take a moment to remember that we will be convening this House of Representatives without one of our friends. Please join me in a moment of silence to honor the joyous life of our dear friend and colleague, Representative George Groesbeck. Fourteen years ago in the 54th Legislative Session I sat in your seat, Rep. McClafferty, and then in later sessions, your seat, Rep. Ebinger. I remember the opening of my first Legislative Session. I wondered what would be accomplished, would my bills pass, what would be the final outcome of the Session. Folks in this chamber and around Montana are also wondering what the outcome of the 61st Legislative Session would be. What will this 61st Legislative Session be known for? And, history does keep track of each Legislative Session, some more prominently than others.

The 1st State Legislature Convened on November 23, 1889 amid heated partisan charges of 'voting irregularities' in Silver Bow County. Democrats and Republicans each seated separate delegations from Silver Bow County in separate Houses of Representatives. That 1st Legislature adjourned February 20, 1890 with nothing to show for its efforts. The 2 Houses passed separate sets of bills, but a deadlocked Senate passed none of them. During the 6th Legislature in 1899, bribes and buying of votes were exposed. Copper King, William A. Clark's supporters tossed thousands of dollars over the transoms of Legislator's hotel rooms, in an effort to buy a U.S. Senate seat. This was before the U.S. Senate seats were voted on by the general electorate and instead were appointed by the Montana Legislature.

Today's Initiative and Referendum process is thanks to the 9th Legislature in 1905. Montana voters overwhelmingly approved this process in 1906. In 1913 the 13th Montana Legislature passed a law giving Montanans the opportunity to ratify a U.S. Constitutional Amendment extending to women the right to vote. Montanans approved the measure by 52.2% at the 1914 General Election. This resulted in the first two women elected to the State Legislature in 1917, the 16th Legislature: Maggie Smith Hathaway, a Democrat from Stevensville, and Emma Ingalls, a Republican from Kalispell. In 1933 the first American Indian served in the Legislature, Rep. Dolly Smith Cusker Akers, a Democrat from Poplar. The 42nd Legislature, in 1971, made a law lowering the voting age to 18. The 44th Legislature is known for the first African American to serve, Rep. Geraldine Travis, a Democrat from Great Falls. The 1979 Legislature saw the first woman Majority Leader in the Montana House of Representatives, Rep. Ann Mary Dussault. The 56th Legislature, in response to a lawsuit filed by the Montana media, opened its caucuses to the public. The last Legislature, the 60th Legislature, is known for passing Full-Time Kindergarten and for the first woman to serve as Majority Leader in the Montana Senate, Sen. Carol Williams. It will also be remembered for not completing a budget or accomplishing significant bills until the Special Session following the 90 day Session. What will the 61st Legislature in 2009 be known for? The 100 of you sitting in this historic chamber in the seats of past Legislators will decide the fate of the 61st Legislature. The people of Montana await your decisions."

Secretary of State McCulloch introduced the Honorable Mike McGrath, Chief Justice of the Supreme Court of Montana.

Chief Justice McGrath administered the following oath of office:

"I do solemnly swear that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana and that I will discharge the duties of my office with fidelity, so help me God."

Secretary of State McCulloch thanked Chief Justice McGrath, and informed the members of the House of Representatives that he had been advised that all oaths of office had been signed and received. These were presented to the Chief Justice McGrath for his acknowledgment and then filed in the Secretary of State's office.

Secretary of State McCulloch called for nominations for the office of the Speaker of the House.

Representative Campbell nominated Representative Bergren.

Representative Sales moved that the nominations be closed.

Representative Bergren was unanimously elected.

Secretary McCulloch declared that Representative Bergren had been duly elected Speaker of the House of Representatives for the 61st Legislature. Speaker Bergren was escorted to his chair on the Rostrum.

Speaker Bergren makes remarks.

Speaker Bergren thanked the members of the House, Secretary McCulloch, Chief Justice McGrath and Pastor Hutton. Representatives Hollenbaugh and Taylor escorted Secretary McCulloch, Chief Justice McGrath and Pastor Hutton from the House Chambers.

Representative Campbell moved the following individuals be nominated as officers as the House of Representatives.

Chief Clerk - Dave Hunter

Sergeant-at-Arms - Ed Tinsley

The House officers were appointed by unanimous consent.

Representative Campbell moved that Representative Wilmer be nominated as Speaker Pro-Tem of the House of Representatives.

Representative Wilmer was unanimously elected.

Chief Clerk Hunter read the following announcements from the Caucus.

"This is to advise you that the caucuses have elected the following officials."

House Majority Leader - Rep. Margaret Campbell

House Minority Leader - Rep. Scott Sales

House Majority Caucus Leader - Rep. Mike Philips

House Minority Floor Leader - Rep. Scott Mendenhall

House Assistant Minority Leader - Rep. Tom McGillvray

House Majority Whips - Rep. Julie French and Rep. Shannon Augare

House Minority Whips - Rep. Llew Jones, Rep. Dee Brown, Rep. Krayton Kerns, and Rep. Chas Vincent

The speaker has appointed Carolyn Pease-Lopez as Chaplin of the House of Representatives.

House Minority Leader Representative Sales makes remarks.

House Majority Leader Representative Campbell makes remarks.

House Majority Leader Representative Campbell moved that the House rules contained in the **HR1** be adopted as the temporary House operating rules of the 61st Legislature. Motion carried.

House Majority Leader Representative Campbell moved that the House rules contained in the **SJR1** be adopted as the temporary House operating rules of the 61st Legislature. Motion carried.

Representative Campbell moved that the Speaker appoint a committee of two members to notify the Senate that the House is now organized and ready to do business. Motion carried. Speaker Bergren appointed Rep. Reinhart and Rep. Ankney.

Representative Campbell moved that the Speaker appoint a committee of two members to notify the Supreme Court that the House is now organized and ready to do business. Motion carried. Speaker Bergren appointed Rep. Becker and Rep. Peterson.

Representative Campbell moved that the Speaker appoint a committee of two members to notify the Governor, by letter, that the House is now organized and ready to do business. Motion carried. Speaker Bergren appointed Rep. Augare and Rep. Ingraham.

Mr. Speaker directed the House to stand at ease to await the report of the Select Committee from the Senate and the three Select Committees of the House.

REPORTS OF SELECT COMMITTEES

A committee from the Senate composed of Senators Ripley, Windy Boy, Barrett, and Branae were admitted and reported to the House that the Senate was organized and ready for any legislation the House might care to send it.

The committee appointed to notify the Governor that the House is ready to do business reported it had done so. The committee was thanked and discharged.

The committee appointed to notify the Supreme Court that the House is ready to do business reported it had done so. The committee was thanked and discharged.

The committee appointed to notify the Senate that the House is ready to do business reported it had done so. The committee was thanked and discharged.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 1, introduced by Sesso, referred to Appropriations.

HB 2, introduced by Sesso (by request of the Office of Budget and Program Planning), referred to Joint Appropriations Subcommittee on Natural Resources and Transportation.

HB 3, introduced by Ankney, referred to Appropriations.

HB 4, introduced by Jones (by request of the Office of Budget and Program Planning), referred to Appropriations.

HB 5, introduced by Sesso (by request of the Office of Budget and Program Planning), referred to Appropriations.

HB 6, introduced by McNutt (by request of the Department of Natural Resources and Conservation, and the Office of Budget and Program Planning), referred to Appropriations.

HB 7, introduced by McNutt (by request of the Department of Natural Resources and Conservation and the Office

of Budget and Program Planning), referred to Appropriations.

HB 8, introduced by McNutt (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Appropriations.

HB 9, introduced by Hollenbaugh (by request of the Office of Budget and Program Planning), referred to Appropriations.

HB 10, introduced by Wiseman (by request of the Office of Budget and Program Planning), referred to Appropriations.

HB 11, introduced by Sesso (by request of the Department of Natural Resources and Conservation and the Department of Commerce and the Office of Budget and Program Planning), referred to Joint Appropriations Subcommittee on Long-Range Planning.

HB 12, introduced by Wilmer (by request of the Public Employees' Retirement Board), referred to State Administration.

HB 13, introduced by Hunter (by request of the Office of Budget and Program Planning), referred to Appropriations.

HB 14, introduced by Nooney (by request of the Office of Budget and Program Planning), referred to Natural Resources.

HB 15, introduced by Villa (by request of the Governor), referred to Education.

HB 16, introduced by Ingraham (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

HB 17, introduced by K. Peterson, referred to State Administration.

HB 18, introduced by Ingraham (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

HB 19, introduced by Ingraham (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

HB 20, introduced by Dickenson (by request of the Environmental Quality Council), referred to Natural Resources.

HB 21, introduced by Dickenson (by request of the Environmental Quality Council), referred to Natural Resources.

HB 22, introduced by Dickenson (by request of the Environmental Quality Council), referred to Natural Resources.

HB 23, introduced by Himmelberger (by request of the Legislative Council), referred to State Administration.

HB 24, introduced by Morgan (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

HB 25, introduced by McChesney (by request of the Water Policy Committee), referred to Natural Resources.

HB 26, introduced by K. Peterson, referred to Fish, Wildlife and Parks.

HB 27, introduced by Wiseman (by request of the Energy and Telecommunications Interim Committee), referred to Federal Relations, Energy, and Telecommunications.

HB 28, introduced by Ingraham (by request of the State Administration and Veterans' Affairs Interim Committee), referred to Taxation.

HB 29, introduced by French (by request of the Environmental Quality Council), referred to Human Services.

HB 30, introduced by Wilmer (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

HB 31, introduced by Wilmer (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

HB 32, introduced by Wilmer (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

HB 33, introduced by Wilmer (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

HB 34, introduced by Wilmer (by request of the Teachers' Retirement Board), referred to State Administration.

HB 35, introduced by Dickenson (by request of the Environmental Quality Council), referred to Natural Resources.

HB 36, introduced by Van Dyk, referred to Judiciary.

HB 37, introduced by Campbell (by request of the Code Commissioner), referred to State Administration.

HB 38, introduced by Campbell (by request of the Legislative Council), referred to Education.

HB 39, introduced by Cohenour (by request of the Water Policy Committee), referred to Natural Resources.

HB 40, introduced by Cohenour (by request of the Water Policy Committee), referred to Natural Resources.

HB 41, introduced by Cohenour (by request of the Water Policy Committee), referred to Natural Resources.

HB 42, introduced by Vincent (by request of the Fire Suppression Committee), referred to Fish, Wildlife and Parks.

HB 43, introduced by Vincent (by request of the Fire Suppression Committee), referred to Appropriations.

HB 44, introduced by Vincent (by request of the Fire Suppression Committee), referred to Natural Resources.

HB 45, introduced by Ingraham, referred to Local Government.

HB 46, introduced by Fleming (by request of the Office of Public Instruction), referred to Education.

HB 47, introduced by Grinde (by request of the Office of Public Instruction), referred to Education.

HB 48, introduced by P. Beck (by request of the Department of Agriculture), referred to Agriculture.

HB 49, introduced by Lake, referred to Transportation.

HB 50, introduced by Lake, referred to State Administration.

HB 51, introduced by D. Brown, referred to Fish, Wildlife and Parks.

HB 52, introduced by McNutt (by request of the Water Policy Committee), referred to Appropriations.

HB 53, introduced by Washburn, referred to Transportation.

HB 54, introduced by Ingraham, referred to State Administration.

HB 55, introduced by Hawk, referred to Judiciary.

HB 56, introduced by Bean (by request of the Office of Public Instruction), referred to Education.

HB 57, introduced by Bean (by request of the Office of Public Instruction), referred to Education.

HB 58, introduced by Ingraham (by request of the Department of Administration), referred to State Administration.

HB 59, introduced by Hamilton (by request of the Teachers' Retirement Board), referred to State Administration.

HB 60, introduced by Ebinger (by request of the Law and Justice Interim Committee), referred to Judiciary.

HB 61, introduced by Sesso (by request of the State Library Commission), referred to Local Government.

HB 62, introduced by Hamilton (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

HB 63, introduced by Pomnichowski (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

HB 64, introduced by Jones (by request of the Department of Agriculture and the Department of Commerce), referred to Appropriations.

HB 65, introduced by Sands (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Appropriations.

HB 66, introduced by Sands (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Human Services.

HB 67, introduced by Belcourt (by request of the Department of Administration), referred to State Administration.

HB 68, introduced by Hamilton, referred to Transportation.

HB 69, introduced by Driscoll, referred to Transportation.

HB 70, introduced by Sands (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Human Services.

HB 71, introduced by Sands (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Appropriations.

HB 72, introduced by Sands (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Human Services.

HB 73, introduced by French, referred to Agriculture.

HB 74, introduced by Van Dyk (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

HB 75, introduced by Van Dyk (by request of the Department of Environmental Quality), referred to Natural Resources.

HB 76, introduced by P. Beck (by request of the Department of Labor and Industry), referred to Business and

Labor.

HB 77, introduced by Nooney, referred to Natural Resources.

HB 78, introduced by Hendrick (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

HB 79, introduced by Stahl, referred to Natural Resources.

HB 80, introduced by Kottel (by request of the Department of Labor and Industry), referred to Business and Labor.

HB 81, introduced by Lake (by request of the Revenue and Transportation Interim Committee and the Legislative Finance Committee), referred to Appropriations.

HB 82, introduced by Driscoll (by request of the Department of Administration), referred to Federal Relations, Energy, and Telecommunications.

HB 83, introduced by Dickenson (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

HB 84, introduced by Wilson (by request of the Fire Suppression Committee), referred to Natural Resources.

HB 85, introduced by Sands (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Human Services.

HB 86, introduced by Sands (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Appropriations.

HB 87, introduced by Dickenson (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

HB 88, introduced by Washburn, referred to State Administration.

HB 89, introduced by K. Peterson, referred to State Administration.

HB 90, introduced by Hawk, referred to Agriculture.

HB 91, introduced by D. Brown, referred to Appropriations.

HB 92, introduced by K. Peterson, referred to Transportation.

HB 93, introduced by Sands (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Human Services.

HB 94, introduced by McNutt, referred to Business and Labor.

HB 95, introduced by Hawk (by request of the Department of Corrections), referred to Judiciary.

HB 96, introduced by Hamilton (by request of the Education and Local Government Interim Committee), referred to Human Services.

HB 97, introduced by Boland (by request of the Department of Administration), referred to Appropriations.

HB 98, introduced by Di. Barrett (by request of the Department of Environmental Quality), referred to Federal Relations, Energy, and Telecommunications.

HB 99, introduced by Washburn, referred to State Administration.

HB 100, introduced by Steenson (by request of the Department of Agriculture), referred to Agriculture.

HB 101, introduced by Welborn (by request of the Department of Labor and Industry), referred to Business and Labor.

HB 102, introduced by Smith, referred to Judiciary.

HB 103, introduced by Wilson (by request of the Public Service Commission), referred to Transportation.

HB 104, introduced by French (by request of the Department of Military Affairs), referred to Appropriations.

HB 105, introduced by Kottel (by request of the Department of Public Health and Human Services), referred to Human Services.

HB 106, introduced by French (by request of the Department of Public Health and Human Services), referred to Human Services.

HB 107, introduced by Hiner (by request of the Legislative Finance Committee), referred to Appropriations.

HB 108, introduced by Hollenbaugh (by request of the Department of Justice), referred to Appropriations.

HB 109, introduced by Hunter (by request of the Public Employees' Retirement Board), referred to State Administration.

HB 110, introduced by Sesso (by request of the Legislative Finance Committee), referred to Appropriations.

HB 111, introduced by Henry (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Human Services.

HB 112, introduced by Sesso (by request of the Legislative Finance Committee), referred to Appropriations.

HB 113, introduced by Villa, referred to Taxation.

HB 114, introduced by Henry (by request of the Department of Public Health and Human Services), referred to Business and Labor.

HB 115, introduced by French (by request of the Department of Revenue), referred to Taxation.

HB 116, introduced by McNutt (by request of the Attorney General), referred to Business and Labor.

HB 117, introduced by K. Peterson, referred to State Administration.

HB 118, introduced by Klock (by request of the Department of Administration), referred to Federal Relations, Energy, and Telecommunications.

HB 119, introduced by Hunter (by request of the Department of Labor and Industry), referred to Business and Labor.

HB 120, introduced by McChesney (by request of the Department of Transportation), referred to Transportation.

HB 121, introduced by Cohenour (by request of the Department of Military Affairs), referred to Federal Relations, Energy, and Telecommunications.

HB 122, introduced by Menahan (by request of the Department of Justice), referred to Judiciary.

HB 123, introduced by Jones (by request of the Department of Commerce and the Department of Agriculture), referred to Appropriations.

HB 124, introduced by Mehlhoff (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

HB 125, introduced by Mehlhoff (by request of the Department of Transportation), referred to Transportation.

HB 126, introduced by Augare (by request of the Department of Administration), referred to Business and Labor.

HB 127, introduced by Sesso (by request of the Department of Military Affairs), referred to Appropriations.

HB 128, introduced by Sesso (by request of the Legislative Finance Committee), referred to Appropriations.

HB 129, introduced by Getz (by request of the Department of Natural Resources and Conservation), referred to Local Government.

HB 130, introduced by Stoker (by request of the Law and Justice Interim Committee), referred to Judiciary.

HB 131, introduced by Stoker (by request of the Law and Justice Interim Committee), referred to Judiciary.

HB 132, introduced by Stoker (by request of the Law and Justice Interim Committee), referred to Judiciary.

HB 133, introduced by Stoker (by request of the Department of Public Health and Human Services), referred to Judiciary.

HB 134, introduced by Nooney (by request of the Education and Local Government Interim Committee), referred to State Administration.

HB 135, introduced by Belcourt (by request of the Reserved Water Rights Compact Commission), referred to Federal Relations, Energy, and Telecommunications.

HB 136, introduced by Boland (by request of the Department of Labor and Industry), referred to Business and Labor.

HB 137, introduced by McNutt (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

HB 138, introduced by Hunter (by request of the Department of Labor and Industry), referred to Business and Labor.

HB 139, introduced by Vincent (by request of the Fire Suppression Committee), referred to Natural Resources.

HB 140, introduced by Vincent (by request of the Fire Suppression Committee), referred to Natural Resources.

HB 141, introduced by Wilmer (by request of the Office of Budget and Program Planning), referred to Appropriations.

HB 142, introduced by Wilmer (by request of the Office of Budget and Program Planning), referred to State Administration.

HB 143, introduced by McAlpin (by request of the Department of Justice), referred to Business and Labor.

HB 144, introduced by McAlpin (by request of the Legislative Council), referred to State Administration.

HB 145, introduced by McAlpin (by request of the Legislative Council), referred to State Administration.

HB 146, introduced by MacLaren (by request of the Commissioner of Political Practices), referred to State Administration.

HB 147, introduced by MacLaren (by request of the Commissioner of Political Practices), referred to State Administration.

HB 148, introduced by D. Brown, referred to Business and Labor.

HB 149, introduced by Menahan (by request of the Department of Corrections), referred to Judiciary.

HB 150, introduced by D. Brown, referred to Judiciary.

HB 151, introduced by Becker (by request of the State Auditor), referred to Business and Labor.

HB 152, introduced by Hamilton (by request of the Governor), referred to Education.

HB 153, introduced by Hands (by request of the Department of Environmental Quality), referred to Natural Resources.

HB 154, introduced by Bergren (by request of the Office of Budget and Program Planning), referred to Appropriations.

HB 155, introduced by Pomnichowski (by request of the Department of Administration), referred to State Administration.

HB 156, introduced by Pomnichowski, referred to Local Government.

HB 157, introduced by Hunter (by request of the Department of Public Health and Human Services), referred to Appropriations.

HB 158, introduced by Augare (by request of the Governor), referred to Federal Relations, Energy, and Telecommunications.

HB 159, introduced by Augare (by request of the State Auditor), referred to Business and Labor.

HB 160, introduced by Furey (by request of the State Auditor), referred to Business and Labor.

HB 161, introduced by Augare (by request of the Reserved Water Rights Compact Commission), referred to Federal Relations, Energy, and Telecommunications.

HB 162, introduced by Roundstone (by request of the Governor), referred to Federal Relations, Energy, and Telecommunications.

HB 163, introduced by Cohenour (by request of the Department of Commerce), referred to Taxation.

HB 164, introduced by Vincent (by request of the Fire Suppression Committee), referred to State Administration.

HB 165, introduced by Vincent (by request of the Fire Suppression Committee), referred to Natural Resources.

HB 166, introduced by Menahan (by request of the Department of Justice), referred to Fish, Wildlife and Parks.

HB 167, introduced by Sands, referred to Appropriations.

HB 168, introduced by Roundstone (by request of the Department of Agriculture), referred to Agriculture.

HB 169, introduced by Hamilton (by request of the Office of Public Instruction), referred to Education.

HB 170, introduced by Menahan (by request of the Public Employees' Retirement Board), referred to State Administration.

HB 171, introduced by Augare (by request of the Department of Labor and Industry), referred to Business and Labor.

HB 172, introduced by Arntzen, referred to Fish, Wildlife and Parks.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 1, introduced by French (by request of the Environmental Quality Council), referred to Natural Resources.

HJR 2, introduced by Jopek (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

HJR 3, introduced by Henry (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Human Services.

HJR 4, introduced by Vincent (by request of the Fire Suppression Committee), referred to Natural Resources.

HJR 5, introduced by Sands (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Human Services.

HJR 6, introduced by Lake (by request of the Education and Local Government Interim Committee), referred to Education.

HJR 7, introduced by Vincent (by request of the Fire Suppression Committee), referred to Natural Resources.

The following House resolution was introduced, read first time, and referred to committee:

HR 1, introduced by Villa (by request of the House Rules Standing Committee), referred to Rules.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Tuesday, January 6, 2009. Motion carried.

House adjourned at 12:56 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SECOND LEGISLATIVE DAY**

Helena, Montana
January 6, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Pease-Lopez. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

COMMUNICATIONS AND PETITIONS

January 6, 2009

Dear Gentlemen;

As a United States Senator for Montana, I look forward to addressing the 61st session of the Montana Legislature at a joint session of the Montana State Senate and the Montana House of Representatives.

As a former State Senator, I know that open lines of communication are the key to accomplishing our goals and following through on our duty to the people of Montana. I hope this address is constructive, promoting positive steps forward for our state at both the state and national levels.

I am available to address the 61st session of the Montana Legislature on Friday, January 9th, 2009. Please contact my State Director, Bill Lombardi to arrange details for the joint session.

Bill Lombardi, State Director
U.S. Senator Jon Tester, Helena Office
406-449-5401 office
406-431-7659 cell

And as always, continue the great work that you do for the State of Montana, and please, stay in touch.

Sincerely,

Jon Tester

MESSAGES FROM THE GOVERNOR

January 5, 2009

Dear Speaker Bergren,

I would like to request that you find agreeable the date of Wednesday, January 28th, 2009 for the State of the State address. The address is traditionally held in the evening.

Please let me know at your earliest convenience if that date will work for your schedule. I look forward to working with you and your staff on this important occasion. Thank you very much. Best personal regards.

Sincerely,

Brian Schweitzer
Governor

HOUSE JOURNAL
SECOND LEGISLATIVE DAY - JANUARY 6, 2009

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 173, introduced by Hendrick, Villa referred to Appropriations.
HB 174, introduced by Hawk, referred to State Administration.
HB 175, introduced by Kottel, referred to Judiciary.
HB 176, introduced by Kottel, referred to Judiciary.
HB 177, introduced by Kottel, referred to Judiciary.
HB 178, introduced by Kottel, referred to Appropriations.
HB 179, introduced by Villa, referred to Federal Relations, Energy, and Telecommunications.
HB 180, introduced by Pomnichowski, referred to Taxation.
HB 181, introduced by K. Peterson, Brown, Essmann, MacLaren, O'Hara referred to Local Government.
HB 182, introduced by K. Peterson, referred to State Administration.
HB 183, introduced by Villa, Himmelberger, Kerns, K. Peterson, McGillvray, Mehlhoff referred to Local Government.
HB 184, introduced by Nooney, Augare, French, Villa referred to State Administration.
HB 185, introduced by Nooney, Hendrick, Himmelberger referred to Taxation.
HB 186, introduced by Stoker, referred to Fish, Wildlife and Parks.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 8, introduced by Kasten, referred to Education.

ANNOUNCEMENTS

Speaker asked that Representatives clear out their mailboxes to keep things clean, and that cars have their correct tags and are in their correctly marked parking spots.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Wednesday, January 7, 2009. Motion carried.

House adjourned at 1:10 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the HouseMr.

**HOUSE JOURNAL
61ST LEGISLATURE
THIRD LEGISLATIVE DAY**

Helena, Montana
January 7, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. McGillvray. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 187, introduced by Taylor, Jackson, Blasdel, B. Beck, referred to Transportation.

HB 188, introduced by Kottel, Augare, Erickson, B. Nooney, Phillips, Pomnichowski, Reinhart, Villa referred to Judiciary.

HB 189, introduced by Kottel, Augare, Erickson, Phillips, Pomnichowski, Reinhart, Villa referred to Judiciary.

HB 190, introduced by Van Dyk, P. Beck, Cohenour, Gallus, Groesbeck, Jent, Larsen, Maclaren, O'Hara, Pomnichowski, Shockley, Stahl, Steenson, Sonju, referred to Fish, Wildlife and Parks.

HB 191, introduced by Driscoll, referred to Local Government.

HB 192, introduced by Taylor, referred to State Administration.

MOTIONS

Representative Campbell moved that **HB66** be moved from the Committee on Human Services to the Appropriations Committee. Motion carried.

ANNOUNCEMENTS

Mr. Speaker asked that bills are placed in the correct bin in the Chief Clerks office. Lost and found is located in the Sergeant-in-Arms office on the 4th floor. Due to security everyone present in the chamber during session was asked to wear their name tags and security badges at all times.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Thursday, January 8, 2009. Motion carried.

House adjourned at 1:09 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FOURTH LEGISLATIVE DAY**

Helena, Montana
January 8, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. McClafferty. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):

1/8/2009

HB 1, introduced bill, be amended as follows:

1. Page 1, line 10.

Following: "Appropriation."

Insert: "(1)"

2. Page 1, line 11.

Following: "legislature"

Strike: ", "

Insert: "and"

3. Page 1, line 12.

Following: "for the 62nd legislature"

Strike: ", and the initial costs of the 62nd legislature"

4. Page 1, line 17.

Insert: "(2) The following amounts are appropriated from the state general fund for fiscal year 2011 for the initial costs of the 62nd legislature:

LEGISLATIVE BRANCH (1104)

1. Senate	\$183,514
2. House	325,353
3. Legislative Services Division	6,000"

And, as amended, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 193, introduced by Augare, Stewart-Peregoy, Juneau, Belcourt, Boss Ribs, Campbell, French, Pease-Lopez, Roundstone, Villa, referred to State Administration.

HB 194, introduced by Mendenhall, referred to Appropriations.

HB 195, introduced by Hamilton, referred to Business and Labor.

HB 196, introduced by Ebinger, Hawks, McClafferty, Pomnichowski, Reinhart, Sesso, referred to Local Government.

HB 197, introduced by Ebinger, McClafferty, Reinhart, Sesso, referred to State Administration.

HB 198, introduced by Hamilton, Grinde, referred to Education.

HB 199, introduced by Hamilton, Nooney, referred to Taxation.

HOUSE JOURNAL
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HB 200, introduced by Taylor, Brueggeman, Fleming, referred to Judiciary.

HB 201, introduced by Taylor, Jackson, B. Beck, Blasdel, Curtiss, Driscoll, Erickson, Fleming, Gebhardt, Hamilton, Hamlett, Maclaren, McGee, Sesso, Smith, Sonju, Stoker, Story, Squires, Tutvedt, Vincent, Wanzenried, Zinke, referred to Appropriations.

HB 202, introduced by Miller, Bean, Butcher, O'Hara, Phillips, referred to Taxation.

HB 203, introduced by Miller, Bean, Blasdel, Butcher, J. Peterson, Randall, referred to Fish, Wildlife and Parks.

HB 204, introduced by Ebinger, Esp, referred to Business and Labor.

HB 205, introduced by Ebinger, Ankney, Blewett, Hollenbaugh, Kottel, Esp referred to Judiciary.

HB 206, introduced by Klock, Ankney, Hendrick, referred to Taxation.

HB 207, introduced by Klock, referred to Federal Relations, Energy, and Telecommunications.

HB 208, introduced by O'Hara, referred to Federal Relations, Energy, and Telecommunications.

MOTIONS

Rep. Campbell moved that the rules of the House be suspended for purposes of placing **HB 1** on second reading for today. Motion carried.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Rep. Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Mr. Speaker in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 1 - Rep. Sesso moved **HB 1** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None. Total 0

Rep. Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Mr. Speaker moved the Committee of the Whole report be adopted. Motion carried.

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Rep. Campbell moved that the rules of the House be suspended for purposes of placing **HB 1** on third reading for today. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 1 passed as follows

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None. Total 0

MOTIONS

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Rep. Campbell moved that **HB 73** be moved from the Committee on Agriculture to the Health and Human Services Committee, **HB 20** be moved from the Natural Resources Committee to the Health and Human Services Committee, and **HJR 8** be moved from the Committee on Education to the Appropriations Committee. Motion carried.

ANNOUNCEMENTS

Sen. Tester will be addressing the House and Senate in a joint session tomorrow.

Business cards are in and can be picked up.

Mr. Speaker reminded the House that business attire and professional clothing should be worn for every session out of respect for the institution and respect for others.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Friday, January 9, 2009. Motion carried.

House adjourned at 1:20 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FIFTH LEGISLATIVE DAY**

Helena, Montana
January 9, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Morgen. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker recognized Rep. Sales who made remarks apologizing his wrongly attributed quotes to President Abraham Lincoln, but says that he stands by the power of his statement. Rep. Sales initial remarks were made on legislative day 1 of the 61st session.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman): 1/9/2009
HB 101, do pass. Report adopted.

BUSINESS AND LABOR (Wilson, Chairman): 1/9/2009
HB 116, do pass. Report adopted.

RULES (Villa, Chairman): 1/9/2009
HR 1, introduced resolution, be amended as follows:

1. Page 9, line 19.
Strike: "and"

2. Page 9, line 20.
Following: "Rules"
Insert: "; and
(iii) Legislative Administration"

3. Page 10, line 1.
Following: "Judiciary;"
Insert: "Legislative Administration;"

4. Page 14, line 15.
Following: "allowed"
Insert: "only"

5. Page 33, line 21.
Following: line 20
Insert: "**Legislative Administration:** Interim committees and matters related to legislative administration, staffing patterns, budgets, equipment, operations, and expenditures."

And, as amended, be adopted. Report adopted.

HOUSE JOURNAL
FIFTH LEGISLATIVE DAY - JANUARY 9, 2009

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 209, introduced by Phillips, Augare referred to Judiciary.

HB 210, introduced by Phillips, referred to Fish, Wildlife and Parks.

HB 211, introduced by Welborn, Blasdel, Gebhardt, Keane, Milburn, Wilson referred to Business and Labor.

HB 212, introduced by Di. Barrett, Campbell, Cohenour, Grinde, Hands, Hamilton, Lewis, Macdonald, A. Noonan, McAlpin, Sands, Williams referred to Appropriations.

HB 213, introduced by Sesso, Ankney, Beck, Furey, Gallus, Gebhardt, Hiner, Keane, Laslovich, Lewis, McClafferty, A. Noonan, P. Noonan, Villa, referred to Appropriations.

HB 214, introduced by MacDonald, Becker, Caferro, Calf Boss Ribs, Campbell, McClafferty, referred to Human Services.

HB 215, introduced by Augare, Kottel, Menahan, Reinhart, referred to State Administration.

HB 216, introduced by Menahan, referred to Judiciary.

HB 217, introduced by Menahan, referred to Judiciary.

HB 218, introduced by Menahan, referred to Fish, Wildlife and Parks.

HB 219, introduced by Ankney, referred to Appropriations.

HB 220, introduced by A. Noonan, Klock, Lewis, referred to Federal Relations, Energy, and Telecommunications.

HB 221, introduced by Cohenour, Augare, Beck, Belcourt, Blewit, Boland, Calf Boss Ribs, Campbell, Fleming, French, Getz, Hands, Hiner, Hunter, Macdonald, McAlpin, McClafferty, Menahan, P. Noonan, Pease Lopez, Roundstone, Smith, Van Dyk referred to Fish, Wildlife and Parks.

HB 222, introduced by Cohenour, Van Dyk referred to Fish, Wildlife and Parks.

HB 223, introduced by Cohenour, Van Dyk referred to Fish, Wildlife and Parks.

HB 224, introduced by Hiner, Laslovich, Lewis, Villa, referred to Appropriations.

HB 225, introduced by Hunter, Driscoll, Grinde, Macdonald, Peterson referred to Business and Labor.

HB 226, introduced by Arntzen, Augare referred to Appropriations.

HB 227, introduced by McNutt, referred to Judiciary.

HB 228, introduced by Kerns, Ankney, Arntzen, Balyeat, Bennett, Black, Blasdel, Boniek, Brown,, Campbell, Curtis, Gallus, Hamlet, Hendrick, Hinkle, Hoven, Ingraham, Jackson, Jones, Kottel, McGee, Mehlhoff, Miller, More, P. Noonan, Randall, Roundstone, Smith, Sonju, Vance, Warburton, referred to Judiciary.

HB 229, introduced by MacLaren, Campbell referred to Appropriations.

MOTIONS

Rep. Campbell moved that Mr. Speaker appoint House members to a joint select Committee on Property Tax Reappraisal. Speaker Bergren appointed Representatives Stahl, Jopek, Pomnichowski, Hoven to the Joint Select Committee.

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to the following bills. Motion carried.

HB 36 (Van Dyk, Chief Sponsor)

01/08/09

Representatives Augare, P. Beck, Bergren, Blewett, Boland, Campbell, Cohenour, Ebinger, Fleming, French, Getz, Hamilton, Hands, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, McAlpin, McChesney, McClafferty, Menahan, Mendenhall, P. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Steenson, Vincent, Warburton, Wilmer.

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HB 187 (Taylor, Chief Sponsor)
Representative MacLaren.

01/08/09

ANNOUNCEMENTS

Mr. Speaker recognized the and thanked the Pages for their help for the past week.
Duran Cafferro (Helena), Aaron Conn (Helena), Anna Hill (Helena), Audrey Schadt (Helena), Krissy Wong (Helena)

Mr. Speaker asked that the Representatives sign bills in a more legible manner so that their signatures can be read easily and their sponsorship of a bill be properly recorded.

Mr. Speaker announced that this is the last full day that the I.T. staff will be in the House Chambers and that holes can be drilled in the desks for laptop power cords.

Rep. Reinhart announced a wild animal talk downtown tonight.

Rep. Sesso apologized for his incorrect statement about the Minority Leader salary.

Committee meetings were announced by the committee chairs.

Rep. Campbell moved that the House be on Order of Business #11, Special Orders of the Day, for the purpose of receiving an address by U. S. Senator Jon Tester. And further that, following the session, the House reconvene at 1:00 p.m., January 12, 2009. Motion carried.

Mr. Speaker called for a recess of about 5 minutes.

SPECIAL ORDERS OF THE DAY

Sgt.-at-Arms Tensely notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Bergren requested Sergeant-at-Arms Tensely to admit the Honorable Senate to the House Chambers.

Speaker Bergren introduced Senate President Story and yielded the chair to him.

Senate Majority Leader Peterson moved that the body resolve itself into a joint session for the purpose of receiving the address from U.S. Senator, the Honorable Jon Tester. Motion carried.

President Story introduced the Montana A Capella Singers and Jack Gladstone to present a song to the joint session.

Senate Majority Leader Peterson moved the President be authorized to appoint a committee of four to notify U.S. Senator Tester that we are in joint session and ready to receive his address. Motion carried.

The President appointed Senator Barrett, Senator Hansen, Representative MacLaren, and Representative Hands and discharged the committee to escort The Honorable Senator Tester into the House Chambers.

Sgt.-at-Arms Clark announced that the Honorable U.S. Senator Jon Tester awaits outside the Chamber. President Story requested Sergeant-at-Arms Clark to admit the U.S. Senator Tester to the House Chambers.

The Committee escorted Senator Tester into the chambers.

President Story introduced U.S. Senator Tester.

HOUSE JOURNAL
FIFTH LEGISLATIVE DAY - JANUARY 9, 2009

The Honorable U.S. Senator Jon Tester addressed the 61st joint legislative session.

U.S. Senator Jon Tester
Remarks to the Montana Legislature
January 12, 2009
As prepared for delivery

Speaker Bergren, President Story, and Montana Senators and Representatives: Happy New Year. Thank you for inviting me to say a few words to the Montana Legislature. It's good to be back.

They say you ought to start a speech with an ice-breaker. But in Helena in January, it's going to take a whole lot more than a speech to break through all the ice and snow on the ground. But that's a good thing. Moisture. It doesn't get much better for a dirt farmer.

Both here in Helena and in Washington, DC, we've got a lot of work to do. We face many challenges. And we've got a lot of opportunities. On the economy. On domestic policy. And on foreign policy.

Montana is a special place. Our unique mix of cities, small towns, and rural and frontier communities present unique challenges and opportunities. I want you to know that every day I work as your U.S. Senator, I strive to give voice to that uniqueness. And to make sure our national agenda reflects Montana's priorities, our values, our dreams and aspirations.

Whether we like it or not, we live in interesting times. As long as we work together for Montana, I am confident we will overcome our challenges and make the most of our opportunities for a brighter future.

We need to build on our successes here in Montana and provide a new direction for our country.

And we need to start by working together. Both Montana and America are closely divided, with strongly held views on both sides. That's fine. That's part of the diversity that makes us strong. But whether we are Republicans, Democrats, Independents, Libertarians – our shared priority of doing right by the people of Montana can always overcome whatever partisan differences we may have.

Whether it's my work, as Montana's only Member of the Veterans Affairs Committee, working with Lt. Governor Bohlinger on a project that will put TVs in veterans clinics across the state. Or working with Republican Senator John Barrasso of Wyoming on a wolf mitigation program for livestock producers – working together across party lines is something we should always try to do.

I think back to the time when I first ran for the Montana Senate in 1998. Like many of you, I went to every door in the district and heard directly from those constituents.

Not all of them were from the same party. Some were Republicans. Some were Democrats. Independents. And Libertarians.

The not-so-surprising thing was everybody had the same concerns.

Concerns about opportunity or the lack of it for their children. Concerns about jobs. Concerns about the cost of higher education. Concerns about health care costs.

Montanans want common sense solutions. Not political bickering.

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It pays off. Just look at Real ID. It started with a Democrat and a Republican joining together. And ended with the Montana Legislature voting unanimously to oppose the federal government's "Real ID" program.

I couldn't agree more. The Feds' Real ID program made no sense at all. So I went to work with Republicans, Democrats and Libertarians. In the end, we won a significant victory when the Homeland Security Secretary backed off.

There may be more battles to come on Real ID, but building on this record of working together will show us the way to success.

During this legislative session, each of you will be challenged with passing a budget, considering measures that make for a fair tax code, reviewing and tweaking policies to fit the needs of Montana today and tomorrow.

Montana should be proud of our state's success in maintaining a budget surplus and living within our means. And for increasing the state's bond rating. Few states can boast similar success. Many – from coast to coast and everywhere in between – are begging Congress for help.

Governor Schweitzer and state legislative leaders from both parties have shown the nation that Montanans know a thing or do about working together to do right by the people of our state. -

I strongly believe that the answer to our recent economic slump is to rebuild the economy from the ground up by investing in good-paying jobs. As a Montana dirt farmer, I know well that the wheat only grows strong when its roots are deep in the soil.

When we rebuild the economy from the ground up, we will generate broad-based prosperity. Where anyone who is willing to work hard can make the most of his or her God-given abilities.

Our goal must always be to reward those who do the work, who sweat, who struggle and who do what it takes to get the job done.

That's the great social compact that has built and sustained this country for more than two centuries. We need to give it new life for the 21st Century.

You are looking at the only Democrat in the U.S. Senate who voted against both the Wall Street bailout and the automakers' bailout. And I got those millionaire CEOs to agree to a new salary of one dollar per year.

I'm proud of those bailout votes. Not because I don't care about folks who are hurting in this economy. I care very much about folks suffering because of others' mistakes. Shenanigans. And misplaced priorities.

Rather than continuing to lurch from bailout to bailout, we need a plan to put folks to work rebuilding the economy from the ground up.

Rebuilding the economy from the ground up can be summed up in a few words:

Infrastructure. Infrastructure. Infrastructure.

Jobs. Jobs. Jobs.

That means schools, roads and bridges, health care and energy development.

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Some people think that funding infrastructure projects amounts to nothing more than “filling potholes.” Well, we all know that we have potholes to be filled like the one I hit on the road coming here today. But what I’m talking about is making an investment in our future prosperity.

If we do it right, investing in infrastructure will be a win-win. Smart, long-term infrastructure projects will put people to work now – and will also build for the future. We know that every billion dollars in infrastructure investment produces nearly 30-thousand good jobs here in our communities.

If these infrastructure dollars are spent correctly, then what will result are good-paying jobs and improvements that will allow communities and businesses to grow and prosper.

We need an effective partnership on the federal, state and local levels to identify priority projects with rock-solid merit. And we’ll work as public servants to get worthy projects – and only worthy projects – the public dollars to make them happen.

That’s accountability.

You and I both know we’ve got Montana projects on the shelf that are ready to start moving earth just as soon as we can inject some money into the pipeline. The Montana Contractors Association said last month that construction sector employment in the state has fallen more than seven percent in the past year and a half.

Montana is also proud of our outdoor heritage. That’s God’s infrastructure. Investing in it will strengthen our economy and create new jobs – and create opportunities for hunting – fishing – camping – hiking.

There is no time to waste. And I know President-elect Obama is eager to sign into law a jobs bill that will get our country moving in the right direction again.

Now, some are saying we can’t afford a new jobs bill. I say: We can’t afford not to.

We’re also going to need common sense regulation in the marketplace and common sense priorities for rural America and our frontier communities. I’m going to work on the Senate Banking Committee to pass some common sense regulations for the financial markets.

I had the incoming Chair of the Securities and Exchange Commission in my office the day before yesterday. I’ll tell you what I told her: Just like the NFL playoffs, it’s time to put the referees back on the football field.

I’m all for free market capitalism. But without effective regulations, unchecked greed will lead to chaos in the system. And good folks get ripped off by a few bad apples.

That’s just common sense.

All these years of misplaced priorities in federal policy have run the economy into the ditch. And it’s the working people who suffer. It’s the millworkers, the miners, the farmers in the fields and the mechanics fixing cars and trucks. They’re the folks who suffer.

They are the folks who should be our top priority.

And while bricks-and-mortar and asphalt are important, we can’t afford to forget our human infrastructure. People.

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We need workforce development—so workers and Main Street small businesses have the skills necessary to compete in the Information Age economy. Like many of you, I come from a frontier community.

I work every day to put the needs of people in rural America front-and-center in the national agenda. We have got to invest in people so these communities can thrive in the future. Because without leadership from public policymakers, young people will have no choice but to leave Montana to find opportunity.

That would be a darn shame and a sorry legacy to leave behind.

As a former school teacher, I know that children are about a quarter of our population. But they are 100 percent of our future. Let's treat them that way.

On the federal level, let me state plainly: we need to overhaul the *No Child Left Behind Act*. It doesn't work for states like Montana. Congress and the Administration need to go back to the classroom.

I look forward to working with Montana's teachers, administrators, business leaders and community leaders to pass common sense legislation to strengthen our public schools.

Human infrastructure also means health care. Medical costs too often take a huge bite out of middle class family budgets. We need health policies that help families facing medical challenges.

One area that is a no-brainer is the development of electronic medical records. The VA uses electronic medical records. That saves money and cuts paperwork. The bottom line is that electronic medical records will help doctors, nurses, pharmacists and other folks in health care to efficiently deliver quality services families need.

Congress is going to take a fresh look at the broader issue of health care reform. My friend Senator Max Baucus has proposed an ambitious plan to overhaul the health care system. I look forward to working with Max and other Senators from both political parties and all points of view.

We'll find a consensus that will deliver results that middle class families need and deserve. We need to replace the current illness-based form of health care with a wellness-based form of health care.

Finally on the domestic front, we can't lose sight of the importance of energy. We're all happy for the current relief from \$4 gas. But let me caution you that it's temporary. OPEC recently made one of its biggest production cuts ever to send crude oil prices back up. We have to diversify our energy portfolio. We can't afford not to.

Putting all of our eggs in one basket is not in the security interest of this country. And it is not in the economic interest of this state. Developing our energy resources creates jobs here at home. It strengthens businesses. And it makes us more energy independent.

Montana has always been an energy-producing state. And we always will be.

As the Governor likes to say, we're the Saudi Arabia of coal. We've got tremendous oil resources like the Bakken Formation. And our refineries provide some of the best jobs in Montana.

But Montana also has awesome opportunities for renewable energy. In fact, Montana can also be the Saudi Arabia of renewable energy.

Wind. Solar. Geothermal. Bioenergy.

One of my signature initiatives here in the Montana Legislature – was wind energy development. For generations, Montana farmers have cursed the wind – whether because of blowing dust or blowing snow, wind has been a

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general pain in the neck.

Until recently – where new technology presents us the opportunity to harvest this natural resource in a sustainable way. Today, the Judith Gap wind farm is up and cranking out power. We have another one firing up between Shelby and Cut Bank, and many more projects are either on-line or in the works.

We need federal leadership to help folks here on the ground to cut through the red tape – that too often prevents promising projects from getting off the ground. In the Senate, I've drafted legislation to do just that. I plan to add my measure to the energy bill the U.S. Senate will take up soon.

A week from Tuesday, our country will inaugurate a new President. I look forward to this occasion when the whole country will join together as Americans and look with hope to the future.

The new President and the new Congress face many challenges abroad as well. After more than five long years, it's time to wind down combat operations in Iraq. The world is still a dangerous place, however.

We need a new strategy to tackle the challenge of Afghanistan, where Al Qaida terrorists remain a threat.

We need to restore habeas corpus – to begin to restore America's moral authority in the world.

And we need to look at our international trade deals to make sure American workers are getting a fair shake. Finally, we need to renew our commitment to open, accountable government and maintain the highest ethical standards for those of us who do the people's business. I learned long ago that public office is a public trust. I work hard every day to restore honor and integrity to Mike Mansfield's seat in the Senate – that I currently hold.

My office was the first in the U.S. Senate to post my daily schedule online so folks at home can see for themselves who I meet with every day.

I commissioned an independent ethics review of my office operations so we could get an unbiased set of eyes on my practices.

And we passed the most sweeping ethics reform legislation since Watergate.

More work remains to be done to clean up the mess in Washington that far too often puts the special interests ahead of the needs of the people.

You can be sure that I will continue my work in the Senate the same way I tend to my family's farm where no job is too big, no detail is too small and there's always hope for a brighter future – as long as we work together.

Many if not all of the good ideas we tackle in the Congress were first tackled by a state legislature somewhere in this country. You have good ideas. I invite you and all Montanans to share your good ideas with me. Especially as we work to rebuild our economy and create good-paying jobs.

Call. Write. Email. Stop me on the street or visit any of my eight offices across Montana. I know I don't have all the answers.

But I know it takes working together to do what's best for Montana, for our children and our grandchildren. Good luck with the new session of the Legislature.

As Montanans, we are depending on you. And know you have what it takes to deliver. I hope you will keep in touch.

HOUSE JOURNAL
FIFTH LEGISLATIVE DAY - JANUARY 9, 2009

President Story thanked U.S. Senator Tester and directed the escort committee to escort U.S. Senator Tester from the joint session.

Senate Majority Leader Peterson moved that the joint session of the 61st Legislature, convened to receive the address from U. S. Senator Tester, be adjourned. Motion carried.

Joint session adjourned at 1:56 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SIXTH LEGISLATIVE DAY**

Helena, Montana
January 12, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation in the Blackfeet language by Representative Calf Boss Ribs and translated by Representative Augare. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker introduced the Pages for the week.

Nathaniel Hutchins (Missoula), Carl Honadel (Helena), Ebony Tarkalson (Anaconda), Mackenzie Keough (Great Falls), Kassaundra Luberts (Kalispell).

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Himmelberger, Chairman):

1/12/2009

HB 23, do pass. Report adopted.

HB 37, do pass. Report adopted.

HB 144, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 230, introduced by McClafferty, Calf Boss Ribs, Cohenour, Ebinger, Macdonald, Malek, P. Noonan, Sesso referred to Local Government.

HB 231, introduced by Glaser, Brown, Hamilton referred to Local Government.

HB 232, introduced by French, McChesney, Stahl, Wagner referred to Taxation.

HB 233, introduced by French, Augare, McChesney, McNutt, Stahl referred to Transportation.

HB 234, introduced by Ebinger, Bergren, Hamilton, Hands, McAlpin, Reinhart referred to Business and Labor.

HB 235, introduced by Kottel, referred to Taxation.

HB 236, introduced by Kottel, referred to Judiciary.

HB 237, introduced by Caferro, referred to Transportation.

HB 238, introduced by Milburn, referred to Transportation.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 9, introduced by Furey, Augare, Hands, Pomnichowski, French, Larsen, Hawks, Nooney, Schmidt, Wilmer, More, Kottel, Erickson, Caferro, Fleming, Malek, Bergren, Van Dyk, Driscoll, Becker, Boss Ribs, Squires, McGillvray, Wanzenried, Ankney, Kerns, D. Brown, Zinke, P. Beck, O'Hara, Steinbeisser, Ripley, Brenden, Perry, Hinkle, Esp, Hamilton, J. Tropila, Jent, Laslovich, M. Tropila, Ebinger, Juneau, Arntzen, P. Noonan, Klock, Moss, MacDonald, Pease-Lopez, Reinhart, Milburn, Vance, De. Barrett, Bean, Phillips, Stewart-Peregoy, Brueggeman, Reichner, Lewis, Randall, Wiseman, Roundstone, Cohenour, Villa, Steenson, Hamlett, Barkus, Laible, Smith, Bennett, B. Beck, Essmann, Shockley, Taylor, J. Peterson, referred to State Administration.

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HB 190**. Motion carried.

HB 190 (Van Dyk, Chief Sponsor)
Representatives Blewett, Caferro, Furey, Gillan

01/12/09

HOUSE JOURNAL
SIXTH LEGISLATIVE DAY - JANUARY 12, 2009

ANNOUNCEMENTS

Rep. Hunter reminded everyone that the Montana Children's initiative is hosting a discussion on Jan. 15th in the rotunda.

Rep. Brown recognized Rep. Hollandsworth and wished him a happy birthday

Rep. McGillvray acknowledged Rep. Howard for becoming a new grandfather over the weekend.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Tuesday, January 13, 2009. Motion carried.

House adjourned at 1:15 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SEVENTH LEGISLATIVE DAY**

Helena, Montana
January 13, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Hendrick. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Himmelberger, Chairman):

1/13/2009

HB 54, do pass. Report adopted.

HB 58, do pass. Report adopted.

HB 134, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 239, introduced by Lake, referred to Appropriations.

HB 240, introduced by Lake, referred to Appropriations.

HB 241, introduced by Kottel, referred to Judiciary.

HB 242, introduced by McAlpin, referred to Judiciary.

HB 243, introduced by Hunter, McGee referred to Human Services.

HB 244, introduced by Ankney, referred to Local Government.

HB 245, introduced by Ankney, referred to Local Government.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Himmelberger in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HR 1 - Representative Villa moved **HR 1** be adopted.

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

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SEVENTH LEGISLATIVE DAY - JANUARY 13, 2009

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 116 - Representative McNutt moved **HB 116** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Kasten, Klock, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: Augare, B. Beck, Bennett, Brown, Campbell, Ingraham, Jopek, Kerns, Kottel, Lake, Mendenhall, Miller, More, Randall, Reichner, Sales, Sonju, Vance, Wagner.

Total 19

Excused: None.

Total 0

Absent or not voting: Mehlhoff.

Total 1

HB 101 - Representative Welborn moved **HB 101** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Barrett, Regier, Wagner.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTH LEGISLATIVE DAY - JANUARY 13, 2009

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

REPORTS OF STANDING COMMITTEES

JUDICIARY (Stoker, Chairman):

1/13/2009

HB 122, introduced bill, be amended as follows:

1. Title, line 9.

Strike: the first "AND"

Following: "17-8-411,"

Insert: "AND 17-8-412,"

2. Page 3, line 17.

Strike: "government attorney"

Insert: "governmental entity"

3. Page 9.

Following: line 4

Insert: "**Insert:** **Section 9.** Section 17-8-412, MCA, is amended to read:

"17-8-412. Prohibitions on employers -- employee remedies. (1) A governmental entity or private entity may not adopt or enforce a rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency with regard to or from acting in furtherance of an investigation of a violation of 17-8-403 or an action brought pursuant to 17-8-405 or 17-8-406.

(2) A governmental entity or private entity may not discharge, demote, suspend, threaten, harass, or deny promotion to or in any other manner discriminate against an employee in the terms and conditions of employment

HOUSE JOURNAL
SEVENTH LEGISLATIVE DAY - JANUARY 13, 2009

because of the employee's disclosure of information to a government or law enforcement agency pertaining to a violation of 17-8-403.

- (3) (a) A governmental entity or private entity that violates the provisions of subsection (2) is liable for:
- (i) reinstatement to the same position with the same seniority status, salary, benefits, and other conditions of employment that the employee would have had but for the discrimination;
 - (ii) back pay plus interest on the back pay;
 - (iii) compensation for any special damages sustained as a result of the discrimination; and
 - (iv) reasonable court or administrative proceeding costs and reasonable attorney fees.
- (b) An employee may file an action for the relief provided in this subsection (3).""

Renumber: subsequent sections

4. Page 9, line 13.

Strike: "[Section 9]"

Insert: "[Section 10]"

5. Page 9, line 14.

Strike: "[section 9]"

Insert: "[section 10]"

And, as amended, do pass. Report adopted.

MOTIONS

Rep. Campbell, moved that **HB 194** be moved from Appropriations to Natural Resources. Motion carried.

Rep. Campbell, moved that **HB 188** be moved from Judiciary to Business and Labor.

Rep. Campbell, moved that **HB 189** be moved from Judiciary to Business and Labor.

ANNOUNCEMENTS

Mr. Speaker, without objection **HB 37** will be placed in the back of the room for preview, due to its extensive length the it will cost upwards of \$10,000 to print and hand out to individual representatives so it will not be printed and distributed individually. The preview will be for the 2nd reading of the bill. Rep. Campbell is the sponsor, if there are any questions.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Wednesday, January 14, 2009. Motion carried.

House adjourned at 1:46 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
EIGHTH LEGISLATIVE DAY**

Helena, Montana
January 14, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Henry. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Hendrick requested a moment of silence for deceased volunteer firefighter Jerry Parrick, 59, and submitted the following incident report and gave the following remarks. A moment of silence ensued after remarks.

Name: Jerry Parrick
Rank: Firefighter
Age: 59
Gender: Male
Status: Volunteer
Years of Service: Unknown
Date of Incident: 12/17/2008
Time of Incident: 1200hrs
Date of Death: 12/17/08
Fire Department: West End Volunteer Fire Department
Fire Department Address: Haugan, MT 59842
Fire Department Chief: Bruce Charles

"Firefighter Parrick was inside of his personal vehicle warning motorists with his truck's emergency lighting. He was stopped on a curved section of roadway near the scene of a motor vehicle accident. A Fed-Ex semi-tractor trailer slowed and attempted to move to another lane of travel but was unable to successfully do so, striking Parrick's vehicle. Firefighter Parrick was partially ejected from his truck and passed away at the scene from his injuries. Weather and road conditions were reported to have been possible contributing factors to the initial and subsequent accident." "Jerry Parrick left behind two loving daughters"

Rep. Peterson announced that Rep. O'Hara became a grandfather today.

Rep. De. Brown announced that there is a paycheck envelope recycle box in the House.

Rep. Caferro announced that the Montana Woman's Foundation is holding a reception tonight from 5:30 - 8:30.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):

1/14/2009

HB 76, do pass. Report adopted.

HB 119, introduced bill, be amended as follows:

1. Title, line 12.

Following: "LOSSES;"

Strike: "REVISING THE DEFINITION OF "UNINSURED EMPLOYER";"

Insert: "CLARIFYING THAT THE TIME TO APPEAL TO MEDIATION IS FROM THE DATE OF DETERMINATION BY THE DEPARTMENT;"

2. Title, line 19.

Following: "39-71-307,"

STATE INTERNET/BBS COPY

HOUSE JOURNAL
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Strike: "39-71-501,"

Insert: "39-71-520,"

3. Page 1, line 26.

Following: "recognize"

Strike: "and give effect to"

Insert: ", with the same effect as the exclusive remedy and benefits under plans No. 1, 2, and 3,"

4. Page 19, line 15 through line 27.

Strike: Section 10 in its entirety

Insert: "Section 10. Section 39-71-520, MCA, is amended to read:

"39-71-520. Time limit to appeal to mediation -- petitioning workers' compensation court -- failure to settle or petition. (1) A dispute concerning uninsured employers' fund benefits must be appealed to mediation within 90 days from the date of the determination by the department or ~~the date that~~ the determination is considered final.

(2) (a) If the parties fail to reach a settlement through the mediation process, any party who disagrees with the department's determination may file a petition before the workers' compensation court.

(b) A party's petition must be filed within 60 days of the mailing of the mediator's report provided for in 39-71-2411 unless the parties stipulate in writing to a longer time period for filing the petition.

(c) If a settlement is not reached through mediation and a petition is not filed within 60 days of the mailing of the mediator's report, the determination by the department is final.

(d) A mediator's report is not a determination by the department for the purposes of this section. A determination by the department is final if the an appeal to mediation described in subsection (1) or a petition described in subsection (2)(a) is not filed within the required time period."

5. Page 24, line 19.

Following: "shall"

Strike: "within 30 days of receipt make payments, at the fee schedule rate,"

Insert: "make payments at the fee schedule rate within 30 days of receipt"

6. Page 24, line 20 through line 21.

Following: "no" on line 20

Strike: "dispute" on line 20 through "condition." on line 21

Insert: "other disputes exist. Disputes must be defined by the department by rule."

7. Page 24, line 24.

Following: "of"

Insert: "receipt of"

8. Page 24, line 28.

Following: "date of"

Insert: "receipt of"

And, as amended, do pass. Report adopted.

HB 126, do pass. Report adopted.

HB 136, introduced bill, be amended as follows:

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EIGHTH LEGISLATIVE DAY - JANUARY 14, 2009

1. Title, line 5.

Following: "APPOINT"

Strike: "A"

2. Title, line 6.

Strike: first "MEMBER"

Insert: "MEMBERS"

3. Page 1, line 17.

Following: "members"

Insert: "and three substitute members"

4. Page 1, line 19.

Following: "activities"

Insert: "and a substitute member with the same qualifications as the other two members who is to serve in place of an absent member and to participate only in the decisions of the proceeding that the substitute member is attending"

5. Page 1, line 21.

Following: "board"

Insert: "and a substitute member with the same qualifications as the other two members who is to serve in place of an absent member and to participate only in the decisions of the proceeding that the substitute member is attending"

6. Page 1, line 22.

Following: "officer"

Insert: ", and a substitute member with the same qualifications as the other member who is to serve in place of an absent member and to participate only in the decisions of the proceeding that the substitute member is attending"

7. Page 1, following line 24.

Insert: "(c) A substitute board member is entitled to the same compensation and per diem when serving as the other members of the board."

8. Page 1, line 25 through page 2, line 6.

Strike: subsections (4) and (5) in their entirety

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

HB 138, do pass. Report adopted.

HB 151, introduced bill, be amended as follows:

1. Page 1, line 14 through line 15.

Following: "for"

Strike: "related" on page 1, line 14 through "including" on page 1, line 15

Insert: "for"

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EIGHTH LEGISLATIVE DAY - JANUARY 14, 2009

2. Page 1, line 18.

Following: "complications of"

Strike: "all stages of"

Following: "mastectomy"

Strike: "and breast reconstruction"

3. Page 2, line 8.

Following: "notice"

Insert: "in compliance with the model language of the Women's Health and Cancer Rights Act of 1998"

Following: "availability of"

Strike: "medical and surgical"

4. Page 2, line 9.

Following: "respect to"

Strike: "a mastectomy"

Insert: "the Women's Health and Cancer Rights Act of 1998"

5. Page 2, line 12.

Following: "reimbursement of"

Strike: "a"

Insert: "an attending"

6. Page 2, line 13.

Following: "incentives to"

Strike: "a"

Insert: "an attending"

And, as amended, do pass. Report adopted.

JUDICIARY (Stoker, Chairman):

1/14/2009

HB 149, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "46-18-241"

Insert: ", 46-18-246,"

2. Title, page 1, line 8.

Strike: "AND RETROACTIVE APPLICABILITY DATES"

3. Page 2.

Following: line 7

Insert: "**Insert: "Section 2.** Section 46-18-246, MCA, is amended to read:

"46-18-246. Waiver or modification of payment. An offender may at any time petition the sentencing court to adjust or otherwise waive payment of any part of any ordered restitution or amount to be paid pursuant to 46-18-241(2)(a). The court shall schedule a hearing and give a victim to whom restitution was ordered notice of the hearing date, place, and time and inform the victim that the victim will have an opportunity to be heard. If the court finds that the circumstances upon which it based the imposition of restitution, amount of the victim's pecuniary loss,

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EIGHTH LEGISLATIVE DAY - JANUARY 14, 2009

or method or time of payment no longer exist or that it otherwise would be unjust to require payment as imposed, the court may adjust or waive unpaid restitution or the amount to be paid pursuant to 46-18-241(2)(a) or modify the time or method of making restitution. The court may extend the restitution schedule.""

Renumber: subsequent sections

4. Page 1, line 30 through page 2, line 4.

Strike: section 4 in its entirety

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman):

1/14/2009

HB 45, do pass. Report adopted.

HB 181, do pass. Report adopted.

MESSAGES FROM THE SENATE

House bill concurred in and returned to the House:

1/14/2009

HB 1, introduced by Sesso

Senate bills passed and transmitted to the House for concurrence:

1/14/2009

SB 10, introduced by Perry

SB 25, introduced by Wanzenried

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 246, introduced by Boniek, Bennett, Butcher, Curtis, Randal, Warburton referred to Judiciary.

HB 247, introduced by Bergren, Peterson referred to Agriculture.

HB 248, introduced by K. Peterson, referred to State Administration.

HB 249, introduced by Stahl, referred to Taxation.

HB 250, introduced by MacLaren, Steinbeisser, referred to Business and Labor.

HB 251, introduced by Ankney, Ripley, Keane referred to Appropriations.

HB 252, introduced by Campbell, Augare, Becker, Blewett, Boland, Caferro, Calf Boss Ribs, Driscoll, Grinde, Henry, Hollenbaugh, Hunter, Juneau, Kaufman, MacDonald, Malek, McAlpin, A. Noonan, Pease-Lopez, Pomnichowski, Sands, Smith, Van Dyk referred to Judiciary.

HB 253, introduced by Phillips, referred to Fish, Wildlife and Parks.

HB 254, introduced by Phillips, Hands referred to Natural Resources.

HB 255, introduced by Phillips, referred to Federal Relations, Energy, and Telecommunications.

HB 256, introduced by Hendrick, referred to Local Government.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 10, introduced by Phillips, referred to Fish, Wildlife and Parks.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

HOUSE JOURNAL
EIGHTH LEGISLATIVE DAY - JANUARY 14, 2009

SB 10, introduced by Perry, referred to Judiciary.

SB 25, introduced by Wanzenried, referred to Natural Resources.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wiseman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 23 - Representative Himmelberger moved **HB 23** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 144 - Representative McAlpin moved **HB 144** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

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EIGHTH LEGISLATIVE DAY - JANUARY 14, 2009

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Wiseman moved the Committee of the Whole report be adopted. Report adopted unanimously.

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: Butcher.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 101 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: Wagner.
Total 1

Excused: None.
Total 0

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Absent or not voting: None. Total 0

HB 116 passed as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, P. Beck, Becker, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 79

Nays: Augare, Belcourt, Bennett, Brown, Butcher, Ingraham, Kerns, Kottel, Lake, Mendenhall, Miller, More, Randall, Reichner, Sales, Sonju, Vance, Vincent, Wagner, Warburton.

Total 20

Excused: None.

Total 0

Absent or not voting: B. Beck.

Total 1

SPECIAL ORDERS OF THE DAY

Mr. Speaker. I move that the following undersigned names be **ADDED** as sponsors to the following:

HB 229 (MacLaren, Chief Sponsor)	01/14/09
Senators Shockley, Williams and Representatives Hawk, Lake, Roberts, Sands	

HB 36 (Van Dyk, Chief Sponsor)	01/14/09
Senator Brown	

ANNOUNCEMENTS

Mr. Speaker announced that the House now has the ability to go paperless, please talk to the Sgt.-at-Arms if you would like to go paperless. He also reminded members of the House that **HB 37** is 1200+ pages long so it will not be handed out individually, it will be on display for review at the back of the room. With that said make sure that you are picking up your printing after you print. Also a pair of glasses was found in the committee secretaries room.

Rep. French announced a gathering at the Montana State Library this evening.

Rep. Stoker announced that at 6:30 tomorrow morning there will be bible study, and the Chaplin of the Senate will be giving a bible another bible study session in the Lt. Gov. Bohlinger's office.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Thursday, January 15, 2009. Motion carried.

House adjourned at 1:36 p.m.

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DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
NINTH LEGISLATIVE DAY**

Helena, Montana
January 15, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Kerns. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Himmelberger, Chairman): 1/15/2009
HB 19, do pass. Report adopted.
HB 146, do pass. Report adopted.

TRANSPORTATION (Sonju, Chairman): 1/15/2009
HB 120, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "SECTIONS"
Strike: "18-1-203,"
Following: "18-2-303"
Strike: ", "

2. Page 1, line 12.
Strike: section 1 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence: 1/15/2009

SB 7, introduced by Gebhardt

Senate bill passed and transmitted to the House for concurrence: 1/15/2009

SB 24, introduced by Williams

Senate bill passed and transmitted to the House for concurrence: 1/15/2009

SB 39, introduced by Juneau

Senate joint resolution passed and transmitted to the House for concurrence: 1/15/2009

SJR 1, introduced by Peterson

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FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 257, introduced by Driscoll, Becker, Caferro, Campbell, Cohenour, Dickenson, Henry, Hunter, Juneau, Kaufmann, McClafferty, MacDonald, Malek, Moss, Sands, Schmidt, Squires, Stewart-Peregoy, Pomnichowski, Wanzenried, Williams, Wilmer, Villa referred to Human Services.

HB 258, introduced by McChesney, referred to Appropriations.

HB 259, introduced by Mendenhall, Gebhardt, Hendrick referred to Taxation.

HB 260, introduced by Ebinger, Driscoll referred to Business and Labor.

HB 261, introduced by McGillvray, Balyeat referred to Taxation.

HB 262, introduced by Ebinger, Driscoll, Phillips referred to Taxation.

HB 263, introduced by Smith, referred to Business and Labor.

HB 264, introduced by Smith, referred to Business and Labor.

HB 265, introduced by Malek, Henry, Lewis, MacDonald, Pomnichowski, Sands, Williams referred to Human Services.

HB 266, introduced by Hollenbaugh, referred to State Administration.

HB 267, introduced by Henry, Brueggeman, MacLaren, Schmidt referred to Human Services.

HB 268, introduced by Lake, referred to Appropriations.

HB 269, introduced by Mehlhoff, Belcourt referred to Local Government.

The following Senate bills were introduced, read first time, and referred to committees:

SB 7, introduced by Gebhardt, referred to State Administration.

SB 24, introduced by Williams, referred to State Administration.

SB 39, introduced by Juneau, Calf Boss Ribs, Brueggeman, Fleming, referred to Federal Relations, Energy, and Telecommunications.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 1, introduced by J. Peterson, referred to State Administration.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Vincent in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 37 - Representative Campbell moved **HB 37** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 77

Nays: Blasdel, Boniek, Brown, Butcher, Hawk, Ingraham, Kasten, Lake, McGillvray, Mendenhall, Miller, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 45 - Representative Ingraham moved **HB 45** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: Bennett, Boniek, Butcher, Howard, Kasten, Kerns, McGillvray, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Roberts, Sales, Smith, Vincent, Wagner, Warburton.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 54 - Representative Ingraham moved **HB 54** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 58 - Representative Ingraham moved **HB 58** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 76 - Representative P. Beck moved **HB 76** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: McGillvray, Mendenhall, More, Sales, Sonju, Vincent.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 122 - Representative Menahan moved **HB 122** do pass. Motion **carried** as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham,

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Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Menahan, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: Arntzen, Bean, B. Beck, Bennett, Boniek, Butcher, Hawk, Hendrick, Kasten, Kerns, Mendenhall, Miller, Morgan, Regier, Reichner, Roberts, Sales, Smith, Sonju.

Total 19

Excused: None.

Total 0

Absent or not voting: Mehlhoff.

Total 1

HB 126 - Representative Augare moved **HB 126** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: Bennett, Blasdel, Boniek, Butcher, Hawk, Kasten, Kerns, Lake, Mendenhall, Miller, More, Peterson, Randall, Regier, Sales, Sonju, Stahl, Stoker, Taylor, Wagner.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 134 - Representative Nooney moved **HB 134** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Vincent, Welborn, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Hawk, Hiner, Jopek, Kasten, Kerns, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Vance, Villa, Wagner, Warburton, Washburn, Wilmer.

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Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 138 - Representative Hunter moved **HB 138**, second reading copy, be further amended as follows:

1. Page 5, line 25.

Following: "employer."

Insert: "The department shall invite a representative of the public sector employer and a representative of any labor organization that represents employees of the public sector employer who are working at the workplace that is to be inspected to accompany the department employee on the inspection. The labor organization representative must be on paid status while accompanying the department employee on the inspection."

2. Page 6, line 17.

Following: "organization"

Strike: ", if known,"

Amendment adopted as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Smith, Sonju, Steenson, Vance, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Ankney, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Himmelberger, Jones, Kerns, MacLaren, A. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Roberts, Sales, Sesso, Stahl, Stoker, Taylor, Vincent, Wagner, Warburton, Welborn.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 138 - Representative Hunter moved **HB 138**, as amended, do pass. Motion **carried** as follows:

Yeas: Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson,

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Phillips, Pomnichowski, Reichner, Reinhart, Sands, Smith, Sonju, Stahl, Steenson, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 75

Nays: Ankney, Arntzen, Belcourt, Bennett, Boniek, Brown, Butcher, Glaser, Hawk, Jones, Jopek, Kerns, Lake, O'Hara, Randall, Regier, Roberts, Roundstone, Sales, Sesso, Stoker, Taylor, Vincent, Wagner, Warburton.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 181 - Representative K. Peterson moved **HB 181** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

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Nays: Boniek, Sales.
Total 2

Excused: None.
Total 0

Absent or not voting: Vincent.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 23 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Wagner.
Total 1

HB 144 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

TAXATION (Lake, Chairman): 1/15/2009
HB 24, do pass. Report adopted.

MOTIONS

Rep. Campbell moved that **HB 165** be moved from the Committee on Natural Resources to Appropriations Committee.

Rep. Campbell moved that **HB 134** be moved from State Administration to Appropriations Committee.

SPECIAL ORDERS OF THE DAY

Mr. Speaker. I move that the following undersigned names be **ADDED** as sponsors to the following:

HB 185 (B. Nooney, Chief Sponsor) 01/15/09
Representative McGillvray

HB 14 (Nooney, Chief Sponsor) 01/15/09
Senator Wanzenried

ANNOUNCEMENTS

Please place any unneeded paper on the floor behind your desk and the pages will come and pick it up and recycle it. There are recycle bins on each side of the chamber.

Rep. Cohenour announced that basketball will begin for the session for anyone and all Representatives.

Rep. McGillvray point of personal privilege, today is Tax day, and reminded the body that while most tax paying constituents will not be here to lobby legislatures, lets be cognizant of the tax payer and remember their interests.

Rep. Himmelberger will give a talk about the chairman's responsibilities today for a quick training

Mr. Speaker announced to the body that if a representative has a suggestion of what committee a bill should be recommended to, to please place a note on the top of the bill when placed in the bills basket. The time of Saturday's House Legislative Session will begin at 8:00.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Friday, January 16, 2009. Motion carried.

House adjourned at 2:25 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
TENTH LEGISLATIVE DAY**

Helena, Montana
January 16, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Madam Speaker Pro Tempore in the Chair. Invocation by Rep. Malek. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Except for Representatives Bergren and A. Noonan who were excused.

COMMUNICATIONS AND PETITIONS

January 9, 2008

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

Dear Speaker Bergren,

Thank you for the opportunity to deliver the State of Education Address to a joint session of the Montana Legislature in February. I am honored to accept your kind invitation.

As you know, MEA-MFT will be holding their legislative days at the Capitol on February 20 while the education folks are in town.

Please let me know if the date will work for you and what time you want me to start. It will be helpful if you can give me an idea of how much time is allotted for the speech.

I look forward to hearing from you.

Very truly yours,

DENISE JUNEAU
Superintendent of Public Instruction

REPORTS OF STANDING COMMITTEES

FISH, WILDLIFE AND PARKS (Van Dyk, Chairman):

1/16/2009

HB 62, do pass. Report adopted.

HB 63, introduced bill, be amended as follows:

1. Title, line 10.

Strike: "IMMEDIATE"

2. Page 1, line 19 through line 20.

Following: "fur-bearing" on line 19

Strike: "or" through "predatory" on line 20

3. Page 1, line 25.

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Strike: "or predatory"

4. Page 2, line 1.

Strike: "location"

Insert: "trapping district"

5. Page 2, line 3 through line 4.

Strike: line 3 through line 4 in their entirety

Insert: "(c)(i) the trapping license number under which the pelts were taken in cases where a trapper's license is required; and

(ii) the identifying pelt tag number if the pelts were taken in states where a pelt tag number is required;"

6. Page 2, line 13.

Following: "fur-bearing"

Strike: "or predatory"

7. Page 2, line 23.

Following: "fur-bearing"

Strike: "or predatory"

8. Page 3, line 7.

Strike: "on passage and approval"

Insert: "July 1, 2009"

And, as amended, do pass. Report adopted.

APPROPRIATIONS (Sesso, Chairman):

1/16/2009

HB 71, do pass. Report adopted.

HB 107, do pass. Report adopted.

HB 112, do pass. Report adopted.

HB 127, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

1/16/2009

HB 67, do pass. Report adopted.

HB 155, introduced bill, be amended as follows:

1. Page 1, line 13.

Strike: "3"

Insert: "4"

2. Page 2, line 28.

Strike: "Each"

Insert: "Except as provided in [section 3], each"

3. Page 2, line 29.

Strike: "2010"

Insert: "2012"

4. Page 3, line 1.

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Insert: "NEW SECTION. Section 3. Extensions. The chief information officer provided for in 2-17-511 may grant an extension to any state agency subject to the provisions of the Montana Information Technology Act provided for in Title 2, chapter 17, part 5. The chief information officer shall inform the information technology board, the office of budget and program planning, and the legislative finance committee of all extensions that are granted and of the rationale for granting the extensions. The chief information officer shall maintain written documentation that identifies the terms and conditions of each extension and the rationale for the extension."

Renumber: subsequent sections

5. Page 4, line 2.

Strike: "3"

Insert: "4"

6. Page 4, line 3.

Strike: "3"

Insert: "4"

And, as amended, do pass. Report adopted.

AGRICULTURE (Jopek, Chairman):

1/16/2009

HB 100, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/16/2009

SB 42, introduced by Laslovich

SB 125, introduced by Shockley

SB 141, introduced by J. Tropila

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 270, introduced by Reinhart, Barrett, Ebinger, Hamilton, Hands, MacDonald, McAlpin, McClafferty, Mehlhoff, A. Noonan, P. Noonan, Phillips, Sands, Sesso referred to Natural Resources.

HB 271, introduced by Reinhart, Boland, Cohenour, French, Hamilton, McChesney, Mehlhoff, A. Noonan referred to Transportation.

HB 272, introduced by O'Hara, referred to Local Government.

HB 273, introduced by O'Hara, referred to Local Government.

HB 274, introduced by Hamilton, referred to State Administration.

HB 275, introduced by Hamilton, referred to Natural Resources.

HB 276, introduced by Stoker, McGee referred to Judiciary.

HB 277, introduced by Menahan, referred to State Administration.

HB 278, introduced by McChesney, Ankney referred to Natural Resources.

HB 279, introduced by Reinhart, Barrett, Becker, Boland, Calf Boss Ribs, Campbell, Ebinger, French, Fleming, Grinde, Hamilton, MacDonald, Malek, McAlpin, McClafferty, Menahan, A. Noonan, P. Noonan, Phillips, Sands, Vincent, referred to Transportation.

HB 280, introduced by Hunter, referred to Appropriations.

HB 281, introduced by Hunter, referred to Human Services.

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The following Senate bills were introduced, read first time, and referred to committees:

SB 42, introduced by Laslovich, referred to Business and Labor.

SB 125, introduced by Shockley, referred to Judiciary.

SB 141, introduced by J. Tropila, referred to Business and Labor.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Reinhart in the chair.

Madam Speaker Pro Tempore: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 19 - Representative Ingraham moved **HB 19** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 97

Nays: Campbell.

Total 1

Excused: A. Noonan, Mr. Speaker.

Total 2

Absent or not voting: None.

Total 0

HB 24 - Representative Morgan moved **HB 24** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 98

Nays: None.

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Total 0

Excused: A. Noonan, Mr. Speaker.

Total 2

Absent or not voting: None.

Total 0

HB 119 - Representative Hunter moved **HB 119** the bill be moved to second reading on the 13th legislative day. Motion **carried** unanimously.

Rep. Himmelberger called for a point of order and reminded the body that moving a bill from second reading be moved to second reading at a further date does not require a voice vote, it is a motion that carries only without objection.

HB 136 - Representative Boland moved **HB 136** do pass. Motion **carried** as follows:

Yeas: Arntzen, Augare, Barrett, Becker, Berry, Blasdel, Blewett, Boland, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 72

Nays: Ankney, Bean, B. Beck, P. Beck, Belcourt, Bennett, Boniek, Boss Ribs, Brown, Butcher, Hollandsworth, Howard, Kerns, McGillvray, Miller, Morgan, Regier, Reichner, Sales, Smith, Sonju, Stoker, Taylor, Wagner, Warburton.

Total 25

Excused: A. Noonan, Mr. Speaker.

Total 2

Absent or not voting: Glaser.

Total 1

HB 146 - Representative MacLaren moved **HB 146** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 98

Nays: None.

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Total 0

Excused: A. Noonan, Mr. Speaker.

Total 2

Absent or not voting: None.

Total 0

HB 149 - Representative Menahan moved **HB 149** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 88

Nays: Bennett, Hendrick, Kerns, Nooney, Randall, Sales, Sonju, Vincent.

Total 8

Excused: A. Noonan, Mr. Speaker.

Total 2

Absent or not voting: Caferro, Glaser.

Total 2

HB 151 - Representative Becker moved **HB 151** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 91

Nays: Hawk, Kasten, Lake, Mendenhall, More, Regier.

Total 6

Excused: A. Noonan, Mr. Speaker.

Total 2

Absent or not voting: Boniek.

Total 1

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed.

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Mr. Speaker in the chair. Chairman Reinhart moved the Committee of the Whole report be adopted. Report **not** adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 96

Nays: Butcher.

Total 1

Excused: A. Noonan, Mr. Speaker.

Total 2

Absent or not voting: Stoker.

Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 37 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman.

Total 72

Nays: B. Beck, Blasdel, Boniek, Butcher, Hawk, Ingraham, Kasten, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton.

Total 24

Excused: A. Noonan, Mr. Speaker.

Total 2

Absent or not voting: Stahl, Welborn.

Total 2

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HB 45 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 83

Nays: Boniek, Butcher, Howard, Kasten, Kerns, Mendenhall, More, Morgan, Peterson, Randall, Regier, Sales, Smith, Taylor, Warburton.

Total 15

Excused: A. Noonan, Mr. Speaker.

Total 2

Absent or not voting: None.

Total 0

HB 54 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman.

Total 97

Nays: None.

Total 0

Excused: A. Noonan, Mr. Speaker.

Total 2

Absent or not voting: Welborn.

Total 1

HB 58 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan,

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Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 98

Nays: None.

Total 0

Excused: A. Noonan, Mr. Speaker.

Total 2

Absent or not voting: None.

Total 0

HB 76 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 89

Nays: Boniek, Howard, Kasten, McGillvray, Mendenhall, More, Sales, Sonju, Wagner.

Total 9

Excused: A. Noonan, Mr. Speaker.

Total 2

Absent or not voting: None.

Total 0

HB 122 passed as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 80

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Hendrick, Kasten, Kerns, Mendenhall, Miller, Regier, Reichner, Sales, Smith, Sonju.

Total 18

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Excused: A. Noonan, Mr. Speaker.
Total 2

Absent or not voting: None.
Total 0

HB 126 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 78

Nays: B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Kasten, Kerns, Lake, Mendenhall, Miller, More, Randall, Regier, Roberts, Sales, Sonju, Stoker, Taylor, Wagner.
Total 20

Excused: A. Noonan, Mr. Speaker.
Total 2

Absent or not voting: None.
Total 0

HB 138 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Vance, Van Dyk, Villa, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 80

Nays: B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Kasten, Kerns, Lake, Randall, Regier, Sales, Sonju, Stoker, Taylor, Vincent, Warburton.
Total 18

Excused: A. Noonan, Mr. Speaker.
Total 2

Absent or not voting: None.
Total 0

HB 181 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel,

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Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 98

Nays: None.

Total 0

Excused: A. Noonan, Mr. Speaker.

Total 2

Absent or not voting: None.

Total 0

SPECIAL ORDERS OF THE DAY

Madam Speaker Pro Tempore. I move that the following undersigned names be **ADDED** as sponsors to the following:

HB 187 (Taylor, Chief Sponsor)	01/16/09
Senators Barkus, Perry and Representatives Mendenhall, Nooney, Stahl, Warburton	

HB 167 (Sands, Chief Sponsor)	01/16/09
Senators Larsen, Shockley, Williams and Representatives Hawk, Henry, Nooney	

ANNOUNCEMENTS

Madam Speaker Pro Tempore introduced and thanked this weeks pages.

Rep. Mendenhall announced that Sen. Cooney brought over a bill having to dedicate a law enforcement building after the former Lt. Gov. Karl Lowe, and encouraged everyone to sign onto the bill.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:00 a.m., Saturday, January 17, 2009. Motion carried.

House adjourned at 1:57 p.m.

DAVE HUNTER
Chief Clerk of the House

FRANKE WILMER
Speaker of the House Pro Tempore

**HOUSE JOURNAL
61ST LEGISLATURE
ELEVENTH LEGISLATIVE DAY**

Helena, Montana
January 17, 2009

House Chambers
State Capitol

House convened at 8:00 a.m. Madam Speaker Pro Tempore in the Chair. Invocation by Rep. Kasten. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Except Representatives Bergren, A. Noonan, P. Noonan, Reichner, Roundstone, who were excused.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):
HB 97, do pass. Report adopted.

1/17/2009

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/17/2009

SB 35, introduced by Jent
SB 40, introduced by Juneau
SB 47, introduced by Steinbeisser
SB 74, introduced by Laible
SB 91, introduced by Juneau
SB 133, introduced by Kaufmann

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 282, introduced by Grinde, MacDonald, referred to Agriculture.
HB 283, introduced by Himmelberger, referred to Business and Labor.
HB 284, introduced by Dickenson, De. Barrett, McClafferty, P. Noonan, Hiner, Van Dyk, referred to Business and Labor.
HB 285, introduced by Reinhart, Arntzen, Miller, Vincent, Bennett, Gebhardt, Mendenhall, McAlpin, Barrett, Sands, Ripley, Perry, Van Dyk, Sesso, Cooney, MacDonald, Stahl, Laslovich referred to Natural Resources.
HB 286, introduced by Sonju, referred to Business and Labor.
HB 287, introduced by Driscoll, Keane, Villa, Beck, Taylor referred to Federal Relations, Energy, and Telecommunications.
HB 288, introduced by Kerns, McGee referred to Judiciary.
HB 289, introduced by Phillips, referred to State Administration.
HB 290, introduced by Grinde, MacDonald, referred to Agriculture.
HB 291, introduced by Sonju, referred to Business and Labor.
HB 292, introduced by Henry, Zinke referred to Human Services.
HB 293, introduced by Hiner, Villa referred to Judiciary.
HB 294, introduced by MacLaren, Blasdel, Lewis, Sesso, Gallus, Windy Boy, Wanzenried, Villa referred to Federal Relations, Energy, and Telecommunications.
HB 295, introduced by Menahan, Hollenbaugh, Howard, O'Hara, Wilson, Driscoll, Perry, Essmann, MacDonald, Moss, Jones referred to Judiciary.

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HB 296, introduced by Menahan, Juneau, Campbell, Windy Boy, Augare, Stewart-Paraguay, Roundstone, Calf Boss Ribs, referred to Fish, Wildlife and Parks.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 11, introduced by Sands, Dickenson, Wilmer, Pomnichowski, Campbell, Moss, Juneau, Gillan, Schmidt, Malek, Henry, Cohenour, Driscoll, MacDonald, McClafferty, French, Squires, Williams, Stewart-Paraguay, Kaufman, Pease-Lopez, Boland, Hands, Steenson, Kottel on referred to Human Services.

The following Senate bills were introduced, read first time, and referred to committees:

SB 35, introduced by Jent, referred to Judiciary.

SB 40, introduced by Juneau, referred to Judiciary.

SB 47, introduced by Steinbeisser, referred to Business and Labor.

SB 74, introduced by Laible, referred to Local Government.

SB 91, introduced by Shockley, referred to Judiciary.

SB 133, introduced by Kaufmann, referred to Business and Labor.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Himmelberger in the chair.

Madam Speaker Pro Tempore: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 112 - Representative Sesso moved **HB 112** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Jones, Jopek, Kasten, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, O'Hara, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman.

Total 68

Nays: B. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Ingraham, Kerns, McGillvray, Mendenhall, Miller, Nooney, Peterson, Randall, Regier, Sales, Smith, Sonju, Stahl, Stoker, Vance, Vincent, Wagner, Warburton, Welborn.

Total 25

Excused: A. Noonan, P. Noonan, Reichner, Mr. Speaker.

Total 4

Absent or not voting: Hunter, Klock, Pease-Lopez.

Total 3

HB 100 - Representative Steenson moved **HB 100** do pass. Motion **carried** as follows:

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Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Nooney, O'Hara, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman.

Total 72

Nays: Arntzen, Bean, Boniek, Butcher, Howard, Kasten, Malek, McGillvray, Miller, More, Morgan, Peterson, Roberts, Sales, Smith, Stahl, Taylor, Vance, Van Dyk, Vincent, Wagner, Washburn.

Total 22

Excused: A. Noonan, P. Noonan, Reichner, Mr. Speaker.

Total 4

Absent or not voting: Hunter, Pease-Lopez.

Total 2

HB 107 - Representative Hiner moved **HB 107** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 94

Nays: None.

Total 0

Excused: A. Noonan, P. Noonan, Reichner, Mr. Speaker.

Total 4

Absent or not voting: Hunter, Pease-Lopez.

Total 2

HB 120 - Representative McChesney moved **HB 120** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 95

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Nays: None.
Total 0

Excused: A. Noonan, P. Noonan, Reichner, Mr. Speaker.
Total 4

Absent or not voting: Pease-Lopez.
Total 1

Rep. Himmelberger corrected his Point of Order from yesterday and stated that in fact debate is allowed on the motion that Rep. Hunter made, moving **HB 119** to a further date for second reading.

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report adopted unanimously.

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman.
Total 89

Nays: McGillvray, Sales, Smith.
Total 3

Excused: A. Noonan, P. Noonan, Reichner, Mr. Speaker.
Total 4

Absent or not voting: Barrett, Pease-Lopez, Roundstone, Wilmer.
Total 4

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 19 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 95

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Nays: Campbell.
Total 1

Excused: A. Noonan, P. Noonan, Mr. Speaker.
Total 3

Absent or not voting: Pease-Lopez.
Total 1

HB 24 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 96

Nays: None.
Total 0

Excused: A. Noonan, P. Noonan, Mr. Speaker.
Total 3

Absent or not voting: Pease-Lopez.
Total 1

HB 136 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, O'Hara, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 78

Nays: Bean, Boniek, Butcher, Howard, Kasten, Kerns, McGillvray, Morgan, Nooney, Randall, Regier, Sonju, Stoker, Taylor, Warburton.
Total 15

Excused: A. Noonan, P. Noonan, Mr. Speaker.
Total 3

Absent or not voting: Brown, Grinde, MacLaren, Pease-Lopez.
Total 4

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HB 146 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 96

Nays: None.
Total 0

Excused: A. Noonan, P. Noonan, Mr. Speaker.
Total 3

Absent or not voting: Pease-Lopez.
Total 1

HB 149 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 90

Nays: Bennett, Kasten, Kerns, Randall, Vincent.
Total 5

Excused: A. Noonan, P. Noonan, Mr. Speaker.
Total 3

Absent or not voting: Blasdel, Pease-Lopez.
Total 2

HB 151 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton,

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Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 89

Nays: Boniek, Hawk, Kasten, Lake, Mendenhall, Regier, Sales.
Total 7

Excused: A. Noonan, P. Noonan, Mr. Speaker.
Total 3

Absent or not voting: Pease-Lopez.
Total 1

SPECIAL ORDERS OF THE DAY

Madam Speaker Pro Tempore. I move that the following undersigned names be **ADDED** as sponsors to the following:

HB 14 (Nooney, Chief Sponsor) 01/17/09
Senator Williams and Representative Furey

REPORTS OF STANDING COMMITTEES

EDUCATION (Grinde, Chairman): 1/17/2009
HB 38, do pass. Report adopted.
HB 46, do pass. Report adopted.
HB 57, do pass. Report adopted.
HJR 6, be adopted. Report adopted.

NATURAL RESOURCES (Milburn, Chairman): 1/17/2009
HB 39, do pass. Report adopted.

NATURAL RESOURCES (Milburn, Chairman): 1/19/2009
HB 41, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "75-5-401,"

2. Page 1, line 11 through page 3, line 16.

Strike: section 1 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Monday, January 19, 2009. Motion carried.

House adjourned at 8:44 a.m.

DAVE HUNTER
Chief Clerk of the House

FRANKE WILMER
Speaker Pro Tempore of the House

**HOUSE JOURNAL
61ST LEGISLATURE
TWELFTH LEGISLATIVE DAY**

Helena, Montana
January 19, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Pease-Lopez. Pledge of Allegiance to the Flag.

Roll Call. All members present. Except A. Noonan, P. Noonan who were not excused. Quorum present.

Mr. Speaker introduced the pages for the week James Keller (Missoula), Danielle McClure (Roy), Shawna Pratt (Miles City), Matthew Kirkpatrick (Billings), Brittne Wersal (Glasgow), Jasmine Carlson (Kalispell), Susanna Siroky (Roy).

Rep. Sands Point of Order made remarks in honor of Martin Luther King Jr. Day.

REPORTS OF STANDING COMMITTEES

HUMAN SERVICES (Becker, Chairman):	1/19/2009
HB 70 , do pass. Report adopted.	
HB 72 , do pass. Report adopted.	
HB 106 , do pass. Report adopted.	

JUDICIARY (Stoker, Chairman):	1/19/2009
HB 102 , do pass. Report adopted.	

NATURAL RESOURCES (Milburn, Chairman):	1/19/2009
HB 78 , do pass. Report adopted.	

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:	1/19/2009
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SB 5, introduced by Erickson
SB 33, introduced by Lewis
SB 45, introduced by McGee
SB 55, introduced by Steinbeisser
SB 103, introduced by Moss
SB 108, introduced by Jent

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 297, introduced by Ebinger, referred to Business and Labor.
HB 298, introduced by Blewett, Peterson, Kottel, Menahan, Shockley referred to Judiciary.
HB 299, introduced by Kottel, referred to Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

SB 5, introduced by Erickson, referred to Natural Resources.

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SB 33, introduced by Lewis, referred to Federal Relations, Energy, and Telecommunications.

SB 45, introduced by McGee, referred to Judiciary.

SB 55, introduced by Steinbeisser, referred to Agriculture.

SB 103, introduced by Moss, referred to Judiciary.

SB 108, introduced by Jent, referred to Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNutt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 57 - Representative Bean moved **HB 57** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: A. Noonan, P. Noonan.

Total 2

HB 62 - Representative Hamilton moved **HB 62** do pass. Motion **carried** as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 51

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Mr. Speaker.

Total 47

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Excused: None.
Total 0

Absent or not voting: A. Noonan, P. Noonan.
Total 2

HB 63 - Representative Pomnichowski moved **HB 63** do pass. Motion **carried** as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 50

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton.
Total 49

Excused: None.
Total 0

Absent or not voting: Mr. Speaker.
Total 1

HB 67 - Representative Belcourt moved **HB 67** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 88

Nays: B. Beck, Berry, Getz, Kasten, Kerns, MacLaren, Randall, Regier, Sales, Stoker, Warburton, Welborn.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 127 - Representative Sesso moved **HB 127** do pass. Motion **carried** as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 84

Nays: Bennett, Brown, Hoven, Kerns, Mendenhall, Miller, More, Peterson, Randall, Stoker, Vance, Wagner, Warburton.
Total 13

Excused: None.
Total 0

Absent or not voting: P. Noonan, Sales, Mr. Speaker.
Total 3

HB 155 - Representative Pomnichowski moved **HB 155** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: A. Noonan, P. Noonan, Villa.
Total 3

HJR 6 - Representative Lake moved **HJR 6** be adopted. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson,

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Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Barrett, A. Noonan, P. Noonan.

Total 3

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 89

Nays: Blasdel, Butcher, Hendrick, McGillvray, Randall, Stahl, Vincent.

Total 7

Excused: None.

Total 0

Absent or not voting: McNutt, A. Noonan, P. Noonan, Wilson.

Total 4

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 100 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Wagner, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 79

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Nays: B. Beck, Bennett, Berry, Boniek, Butcher, Kasten, McGillvray, Miller, Morgan, Nooney, Roberts, Sales, Smith, Sonju, Stoker, Vance, Vincent, Washburn.

Total 18

Excused: None.

Total 0

Absent or not voting: A. Noonan, P. Noonan, Welborn.

Total 3

HB 107 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: A. Noonan, P. Noonan.

Total 2

HB 112 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Taylor, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 71

Nays: Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hoven, Ingraham, Kerns, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Stahl, Stoker, Vance, Vincent, Wagner, Warburton.

Total 26

Excused: None.

Total 0

Absent or not voting: A. Noonan, P. Noonan, Welborn. Total 3

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HB 120 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: A. Noonan, P. Noonan.

Total 2

MOTIONS

Rep. Campbell moved that **SR 1** be moved from State Administration to House Rules. Motion carried.

Rep. Campbell moved that **HB 215** be moved from State Administration to Business and Labor. Motion carried.

Rep. Campbell moved that **HB 240** be moved from Appropriations to House Taxation. Motion carried.

Rep. Campbell moved that **HB 235** be moved from House Taxation to Judiciary. Motion carried.

Rep. Campbell moved to reconsider actions taken on **HB 63** and for to move it to the 13th legislative day. Motion carried.

ANNOUNCEMENTS

Mr. Speaker reminded everyone that in honor of MLK Jr. Day there is a celebration in the rotunda today from 2:00 to 5:00p.m.

Rep. Cohenour announced that an Inauguration celebration will be held at the Great Northern Hotel Tomorrow evening to celebrate the swearing in of our 44th President of the United States.

Rep. Campbell called for a moment of silence to recognize the woman killed in Rep. Stahl's district over the weekend. A moment of silence ensued.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Tuesday, January 20, 2009. Motion carried.

House adjourned at 2:05 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
THIRTEENTH LEGISLATIVE DAY**

Helena, Montana
January 20, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Ingraham. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

TRANSPORTATION (Sonju, Chairman):

1/20/2009

HB 125, do pass. Report adopted.

HB 187, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/20/2009

SB 11, introduced by J. Peterson

SB 23, introduced by Wanzenried

SB 43, introduced by Kaufmann

SB 48, introduced by Essmann

SB 116, introduced by Keane

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 300, introduced by Ingraham, referred to Taxation.

HB 301, introduced by Kottel, referred to Judiciary.

HB 302, introduced by Kottel, referred to Judiciary.

HB 303, introduced by Kottel, referred to Judiciary.

HB 304, introduced by Sonju, referred to State Administration.

HB 305, introduced by Boss Ribs, Augare, Wilmer, McClafferty, Juneau, Campbell, Pease-Lopez, Stewart- Paregoy, Roundstone, Fleming referred to State Administration.

HB 306, introduced by Morgan, referred to Transportation.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 12, introduced by Steenson, Welborn referred to Appropriations.

The following Senate bills were introduced, read first time, and referred to committees:

SB 11, introduced by J. Peterson, referred to Taxation.

SB 23, introduced by Wanzenried, referred to Taxation.

SB 43, introduced by Kaufmann, referred to Taxation.

SB 48, introduced by Essmann, referred to Taxation.

SB 116, introduced by Keane, referred to Taxation.

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Augare in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 119 - Representative Miller moved **HB 119**, second reading copy, be amended as follows:

1. Title, line 9 through line 11.

Following: "FINGERPRINTS;" on line 9

Strike: "INCLUDING" on line 9 through "CONDITIONS;" on line 11

2. Title, line 20.

Strike: "39-71-117, 39-71-118, 39-71-123,"

3. Page 7, line 11 through page 15, line 5.

Strike: section 5, section 6, and section 7 in their entirety

Renumber: subsequent sections

4. Page 34, line 18.

Strike: "12, 13, and 22 through 24"

Insert: "9, 10, and 19 through 21"

Amendment **adopted** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Berry, Klock, Regier.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 119 - Representative Hunter moved **HB 119**, do pass as amended. Motion **carried** as follows:

STATE INTERNET/BBS COPY

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Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: Ankney, Bennett, Berry, Boniek, Brown, Butcher, Kerns, Klock, Lake, McGillvray, Miller, Regier, Stahl, Warburton.

Total 14

Excused: None.

Total 0

Absent or not voting: Washburn.

Total 1

HB 38 - Representative Campbell moved **HB 38** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: B. Beck, Bennett, Boniek, Butcher, Hendrick, Kasten, Kerns, McGillvray, Mendenhall, Miller, Nooney, Peterson, Randall, Sales, Sonju, Vance, Vincent, Wagner, Warburton, Welborn.

Total 20

Excused: None.

Total 0

Absent or not voting: Howard, More, Stahl.

Total 3

HB 39 - Representative Cohenour moved **HB 39** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 78

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Nays: B. Beck, Bennett, Blasdel, Butcher, Hawk, Kerns, Lake, Mendenhall, Milburn, Miller, More, Nooney, Peterson, Reichner, Sales, Sonju, Taylor, Vance, Wagner, Warburton.

Total 20

Excused: None.

Total 0

Absent or not voting: Augare, Fleming.

Total 2

HB 41 - Representative Cohenour moved **HB 41** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Hawk, Kerns, Lake, Mendenhall, Randall, Sales, Stoker, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: Glaser.

Total 1

HB 46 - Representative Fleming moved **HB 46** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 85

Nays: B. Beck, Boland, Boniek, Getz, Kasten, McAlpin, McChesney, Mendenhall, Roberts, Sales, Sonju, Stahl, Wagner, Wiseman.

Total 14

Excused: None.

Total 0

Absent or not voting: Kerns.

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Total 1

HB 70 - Representative Sands moved **HB 70** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: MacLaren.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 72 - Representative Sands moved **HB 72** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 78 - Representative Hendrick moved **HB 78** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner,

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Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 97

Nays: Hands, Jopek, Wiseman.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 97 - Representative Boland moved **HB 97** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Stahl.

Total 1

Excused: None.

Total 0

Absent or not voting: Sales.

Total 1

HB 102 - Representative Smith moved **HB 102** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

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Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 106 - Representative French moved **HB 106** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Augare moved the Committee of the Whole report be adopted. Report adopted unanimously.

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: Butcher, Mendenhall, Regier.
Total 3

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 57 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Stahl.
Total 1

Excused: None.
Total 0

Absent or not voting: Blewett.
Total 1

HB 62 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 51

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Mr. Speaker.
Total 48

Excused: None.
Total 0

Absent or not voting: Blewett.
Total 1

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HB 67 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: B. Beck, Berry, Kasten, Kerns, Randall, Regier, Reichner, Sales, Sonju, Stoker, Taylor, Vincent, Wagner, Warburton.

Total 14

Excused: None.

Total 0

Absent or not voting: Blewett, Jones.

Total 2

HB 127 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: Bennett, Brown, Kerns, Mendenhall, Miller, More, Peterson, Randall, Stoker, Vance, Wagner, Warburton, Welborn.

Total 13

Excused: None.

Total 0

Absent or not voting: Blewett.

Total 1

HB 155 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall,

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Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Blewett, Jones.

Total 2

HJR 6 adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Villa.

Total 1

Excused: None.

Total 0

Absent or not voting: Blewett, Pease-Lopez.

Total 2

MOTIONS

Rep. Campbell moved that **HB 41** be moved from Natural Resources to House Appropriations.

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to the following:

HB 187 (Sands, Chief Sponsor)
Representative Furey

01/20/09

ANNOUNCEMENTS

Mr. Speaker announced that there is a slight delay in payroll and per diem checks.

STATE INTERNET/BBS COPY

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Stahl announced the annual legislative walleye feed.

Phillips announced that the democratic caucus will happen immediately after session in rm 152.

Rep. Henry announced a legislative breakfast tomorrow Jan. 21 from 7:00am to 9:00am at Jorgensons

Rep. Milburn wished Rep. Hands a happy birthday.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Wednesday, January 21, 2009. Motion carried.

House adjourned at 2:27 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FOURTEENTH LEGISLATIVE DAY**

Helena, Montana
January 21, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Jopek. Pledge of Allegiance to the Flag.

Roll Call. All members present. Except for Rep. Sales who was excused. Quorum present.

COMMUNICATIONS AND PETITIONS

Mr. Speaker the House journals from legislative days 1 through 5 have been reviewed and are ready for filing in the Secretary of States Office.

REPORTS OF STANDING COMMITTEES

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman): 1/21/2009
HB 82, do pass. Report adopted.
HB 158, do pass. Report adopted.

JUDICIARY (Stoker, Chairman): 1/21/2009
HB 205, introduced bill, be amended as follows:

1. Page 1, line 16.

Strike: "either of them to file"

Insert: "that"

Strike: "to the petition"

Insert: "be filed"

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman): 1/21/2009
HB 61, do pass. Report adopted.

MESSAGES FROM THE SENATE

House bills passed and transmitted to the House for concurrence: 1/21/2009

HB 2, introduced by Sesso
HB 29, introduced by French
HB 54, introduced by Ingraham
HB 72, introduced by Sands
HB 139, introduced by Vincent

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 307, introduced by Roberts, referred to Human Services.

HB 308, introduced by Augare, Blewett, Boland, Dickenson, Hamilton, Hoven, Kottel, O'Hara, Mehlhoff, Milburn, referred to Judiciary.

HB 309, introduced by Henry, referred to Appropriations.

HB 310, introduced by Roberts, referred to Human Services.

HB 311, introduced by Blasdel, referred to Transportation.

HB 312, introduced by B. Beck, Erickson, Hollenbaugh, Wanzenried, Zinke, referred to Taxation.

HB 313, introduced by Pomnichowski, Larsen, referred to Natural Resources.

HB 314, introduced by Van Dyk, Gillan, Kottel, Hamilton, Hands, Walsall, Becker, Keane, Grinde, Boland, Williams, Cooney, McAlpin, Cohenour, Augare, Driscoll, Menahan, Blewett, Tropila, McClafferty, Calf Boss Ribs referred to Fish, Wildlife and Parks.

The following Senate bills were introduced, read first time, and referred to committees:

SB 2, introduced by Cooney, referred to Appropriations.

SB 29, introduced by Wanzenried, referred to Appropriations.

SB 54, introduced by Steinbeisser, referred to Business and Labor.

SB 72, introduced by Laslovich, referred to State Administration.

SB 139, introduced by Perry, referred to Judiciary.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Mr. Speaker in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 125 - Representative Mehlhoff moved **HB 125** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Sales.

Total 1

Absent or not voting: None.

Total 0

HB 187 - Representative Taylor moved **HB 187** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boniek, Boss Ribs, Brown, Butcher, Dickenson, Driscoll, Ebinger, Furey, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.

Total 65

Nays: Augare, P. Beck, Becker, Boland, Caferro, Campbell, Cohenour, Fleming, French, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Van Dyk, Villa, Wilmer.

Total 34

Excused: Sales.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Rep. Campbell moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Becker.

Total 1

Excused: Sales.

Total 1

Absent or not voting: Ankney, Himmelberger, Peterson.

Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 38 passed as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs,

Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: Ankney, B. Beck, Bennett, Boniek, Brown, Butcher, Hendrick, Kasten, Kerns, McGillvray, Mendenhall, Miller, More, Nooney, Peterson, Randall, Sonju, Stahl, Vance, Vincent, Wagner, Welborn.

Total 22

Excused: Sales.

Total 1

Absent or not voting: None.

Total 0

HB 39 passed as follows:

Yeas: Ankney, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: Arntzen, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Kerns, Lake, Mendenhall, Milburn, Miller, More, Nooney, Peterson, Randall, Reichner, Sonju, Taylor, Vance, Wagner, Warburton.

Total 22

Excused: Sales.

Total 1

Absent or not voting: None.

Total 0

HB 46 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Boniek, Kasten, Kerns, Mendenhall.

Total 4

Excused: Sales.

Total 1

Absent or not voting: None.

Total 0

HB 70 passed as follows:

ey, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Sales.

Total 1

Absent or not voting: None.

Total 0

HB 72 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Sales.

Total 1

Absent or not voting: None.

Total 0

HB 78 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner,

Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Hands, Jopek.

Total 2

Excused: Sales.

Total 1

Absent or not voting: None.

Total 0

HB 97 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Sales.

Total 1

Absent or not voting: None.

Total 0

HB 102 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Sales.

Total 1

Absent or not voting: French.

Total 1

HB 106 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Sales.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Rep. Campbell moved that **HB 187** be moved to the Appropriations Committee.

Rep. Campbell moved that **HB 63** be moved to the Fish Wildlife and Parks Committee.

ANNOUNCEMENTS

Rep. Campbell made an announcement to the body about there is an opportunity tonight to have a public service announcement made by the Montana Television Association.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Thursday, January 22, 2009. Motion carried.

House adjourned at 1:40 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FIFTEENTH LEGISLATIVE DAY**

Helena, Montana
January 22, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Warburton. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Becker requested for a moment of silence for a former deceased representative.

COMMUNICATIONS AND PETITIONS

January 22, 2009

Hon. Bob Bergren, Speaker
Montana House of Representatives
State Capitol
Helena, MT 59620

Dear Speaker Bergren:

The Chief Justice of Montana Supreme Court respectfully requests the opportunity to present the State of the Judiciary Address to a joint session of the Montana Senate and House of Representatives on Wednesday, February 4, 2009.

Thank you for your consideration.

Sincerely,

Lois Menzies
Court Administrator
Montana Supreme Court

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman): 1/22/2009
HB 143, do pass. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman): 1/22/2009
HB 27, do pass. Report adopted.
HB 118, do pass. Report adopted.
HB 121, do pass. Report adopted.
HB 135, do pass. Report adopted.

HUMAN SERVICES (Becker, Chairman): 1/22/2009
HB 93, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Van Dyk, Chairman): 1/22/2009
HB 190, introduced bill, be amended as follows:

1. Title, line 10.
Following: "CONTROL"

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Insert: "OR PROPERTY MANAGEMENT"

2. Title, line 13.

Following: "CONTROL"

Insert: "OR PROPERTY MANAGEMENT"

3. Page 2, line 21.

Following: "fence"

Insert: "for livestock control or property management"

4. Page 3, line 4.

Strike: "Each"

Insert: "At county road bridges for which public access is authorized pursuant to [section 2], each"

5. Page 3, line 5.

Following: "control"

Insert: "or for property management"

6. Page 3, line 10.

Following: "control" in two places

Insert: "or property management"

7. Page 3, line 11.

Strike: subsection (i) in its entirety

Renumber: subsequent subsections

8. Page 3, line 16.

Following: "control"

Insert: "or property management"

9. Page 3, line 19.

Following: "livestock"

Insert: "or managing property"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

1/22/2009

HJR 9, be adopted. Report adopted.

TRANSPORTATION (Sonju, Chairman):

1/22/2009

HB 238, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/22/2009

SB 31, introduced by Bales

SB 32, introduced by Barkus

SB 84, introduced by Gillan

SB 86, introduced by J. Tropila

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SB 88, introduced by M. Tropila
SB 96, introduced by Jent
SB 98, introduced by Keane
SB 104, introduced by Esp
SB 169, introduced by Gebhardt

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 315, introduced by Blewett, Laslovich, Taylor, Brueggeman, referred to Taxation.
HB 316, introduced by Furey, referred to Transportation.
HB 317, introduced by Furey, Ankney, referred to Fish, Wildlife and Parks.
HB 318, introduced by Kottel, referred to Judiciary.
HB 319, introduced by Cohenour, referred to Natural Resources.
HB 320, introduced by Van Dyk, Blewett, French, Campbell, Malek, K. Peterson, Shockley, referred to Transportation.
HB 321, introduced by Cohenour, referred to Local Government.
HB 322, introduced by Blewett, K. Peterson, Welborn, referred to Judiciary.
HB 323, introduced by Himmelberger, referred to Business and Labor.
HB 324, introduced by Arntzen, Zinke, Hendrick, Welborn, Klock, Miller, Furey, Ripley, Warburton, R. Brown, French, McClafferty, P. Beck, Laslovich, Blewett, Van Dyk, Hamilton, Belcourt, Hansen, Regier, P. Noonan, McGillvray, Lewis, Hiner, Bennett, Nooney, Bean, Morgan, Howard, Taylor, Mendenhall, D. Brown, Vance, Ankney, Wilson, Smith, Boniek, Hoven, Mehlhoff, Curtiss, McChesney, Kasten, Butcher, Blasdel, Phillips, Hollandsworth, Sesso, Villa, Hamilton, K. Peterson, Roundstone, Barkus, referred to Local Government.
HB 325, introduced by Sands, McAlpin, French, J. Tropila, Reinhart, Becker, Wanzenried, Kaufmann, Juneau, referred to Business and Labor.
HB 326, introduced by Mendenhall, referred to Business and Labor.
HB 327, introduced by Stahl, referred to Taxation.
HB 328, introduced by MacLaren referred to State Administration.
HB 329, introduced by D. Brown, referred to Taxation.
HB 330, introduced by D. Brown, referred to Fish, Wildlife and Parks.
HB 331, introduced by Morgan, Kaufmann, Gebhardt, Sesso, referred to Local Government.
HB 332, introduced by Getz, Hamilton, Villa, Cohenour, referred to Education.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 13, introduced by Hands, Wiseman, Phillips, referred to Federal Relations, Energy, and Telecommunications.

The following Senate bills were introduced, read first time, and referred to committees:

SB 31, introduced by Bales, referred to Fish, Wildlife and Parks.
SB 32, introduced by Barkus, referred to Fish, Wildlife and Parks.
SB 84, introduced by Gillan, referred to Business and Labor.
SB 86, introduced by J. Tropila, referred to Business and Labor.
SB 88, introduced by M. Tropila, referred to Transportation.
SB 96, introduced by Jent, referred to Judiciary.
SB 98, introduced by Keane (by request of the Fire Suppression Committee), referred to Local Government.
SB 104, introduced by Esp (by request of the Department of Livestock), referred to Agriculture.
SB 169, introduced by Gebhardt, referred to Fish, Wildlife and Parks.

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Taylor in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 61 - Representative Sesso moved **HB 61** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: B. Beck, Kasten, Mendenhall, Sales, Stoker, Wagner.

Total 6

Excused: Milburn.

Total 1

Absent or not voting: None.

Total 0

Rep. Campbell moved that **HB 82** be placed on legislative day 16 for consideration. Motion carried.

HB 158 - Representative Augare moved **HB 158** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 76

Nays: Bean, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Howard, Ingraham, Kerns, Lake, McGillvray, Mendenhall, More, Morgan, Randall, Regier, Sales, Stahl, Taylor, Vance, Wagner, Washburn.

Total 23

Excused: Milburn.

Total 1

Absent or not voting: None.

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Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Taylor moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Boniek, Butcher, Hawk, Lake, McGillvray, Mendenhall, Randall, Sales, Sonju, Stahl, Wagner.

Total 11

Excused: Milburn.

Total 1

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 119 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Bennett, Butcher, Lake, McGillvray, Randall, Regier, Sales, Sonju, Warburton.

Total 9

Excused: Milburn.

Total 1

Absent or not voting: Boniek.

Total 1

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HB 125 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Milburn.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Rep. Villa moved that **SJR 1** be taken from the Committee on State Administration and be printed and placed on second reading on the 16th legislative day. Motion carried.

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HJR 12**. Motion carried.

HJR 12 (Steenson, Chief Sponsor)

01/22/09

Representatives Ankney, Augare, P. Beck, Beck, Becker, Belcourt, Bergren, Blasdel, Blewett, Boland, Calf Boss Ribs, Campbell, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, Menahan, Phillips, Pomnichowski, Nooney, O'Hara, Pease-Lopez, Phillips, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Wilmer.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):

1/22/2009

HB 188, do pass. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Friday, January 23, 2009. Motion carried.

House adjourned at 1:38 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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**HOUSE JOURNAL
61ST LEGISLATURE
SIXTEENTH LEGISLATIVE DAY**

Helena, Montana
January 23, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Calf Boss Ribs. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Roberts Point of Personal Privilege, thanked security and Speaker Bergren for the wonderful job of keeping everyone safe and secure yesterday during the contentious committee hearing.

Mr. Speaker thanked the pages for the week.

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Jopek, Chairman): 1/23/2009
HB 48, do pass. Report adopted.
HB 90, do pass. Report adopted.
HB 168, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Van Dyk, Chairman): 1/23/2009
HB 63, introduced bill, be amended as follows:

1. Title, line 8 through line 9.
Strike: "GRANTING" on line 8 through "LICENSES;" on line 9
2. Page 2, line 24.
Strike: "or any rule or regulation of the department adopted under this part"
3. Page 3, line 1 through line 2.
Following: "part" on line 1
Strike: remainder of line 1 through "part" on line 2
4. Page 3, line 4 through line 5.
Strike: section 6 in its entirety
Renumber: subsequent sections
5. Page 3, line 7.
Strike: "[Sections 5 and 6] are"
Insert: "[Section 5] is"
6. Page 3, line 8 through line 9.
Following: "apply to" on line 8
Strike: remainder of line 8 through "6]" on line 9
Insert: "[section 5]"

And, as amended, do pass. Report adopted.

HB 137, do pass. Report adopted.

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HB 221, do pass. Report adopted.

HB 222, do pass. Report adopted.

JUDICIARY (Stoker, Chairman):

1/23/2009

HB 60, do pass. Report adopted.

HB 242, do pass. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman):

1/23/2009

HB 129, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "SECTION"

Insert: "SECTIONS 76-5-103 AND"

2. Page 1.

Following: line 9

Insert: "Section 1. Section 76-5-103, MCA, is amended to read:

"76-5-103. Definitions. As used in parts 1 through 4 of this chapter, unless the context otherwise requires, the following definitions apply:

(1) "Artificial obstruction" means any obstruction that is not a natural obstruction and includes any dam, wall, riprap, embankment, levee, dike, pile, abutment, projection, revetment, excavation, channel rectification, bridge, conduit, culvert, building, refuse, automobile body, fill, or other analogous structure or matter in, along, across, or projecting into any flood plain or floodway that may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.

(2) "Channel" means the geographical area within either the natural or artificial banks of a watercourse or drainway.

(3) "Department" means the department of natural resources and conservation provided for in Title 2, chapter 15, part 33.

(4) "Designated flood plain" means a flood plain whose limits have been designated ~~and established by order of the department~~ pursuant to part 2 of this chapter.

(5) "Designated floodway" means a floodway whose limits have been designated ~~and established by order of the department~~ pursuant to part 2 of this chapter.

(6) "Drainway" means any depression 2 feet or more below the surrounding land serving to give direction to a current of water less than 9 months of the year and having a bed and well-defined banks.

(7) "Establish" means construct, place, insert, or excavate.

(8) "Flood" means the water of any watercourse or drainway that is above the bank or outside the channel and banks of the watercourse or drainway.

(9) "Flood of 100-year frequency" means a flood magnitude expected to recur on the average of once every 100 years or a flood magnitude that has a 1% chance of occurring in any given year.

(10) "Flood plain" means the area adjoining the watercourse or drainway that would be covered by the floodwater of a flood of 100-year frequency, except for sheetflood areas that receive less than 1 foot of water per occurrence and are considered "zone B" by the federal emergency management agency.

(11) "Floodway" means the channel of a watercourse or drainway and those portions of the flood plain adjoining the channel that are reasonably required to carry and discharge the floodwater of any watercourse or drainway.

(12) "Natural obstruction" means any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the flood plain or floodway by a nonhuman cause.

(13) "Owner" means any person who has dominion over, control of, or title to an obstruction.

(14) "Political subdivision" means any incorporated city or town or any county organized and having

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authority to adopt and enforce land use regulations.

(15) "Responsible political subdivision" means a political subdivision that has enacted land use regulations in accordance with parts 1 through 4.

(16) (a) "Watercourse" means any depression 2 feet or more below the surrounding land serving to give direction to a current of water at least 9 months of the year and having a bed and well-defined banks.

(b) Upon order of the department, the term also includes any particular depression that would not otherwise be within the definition of watercourse."

3. Page 1, line 28 through line 30.

Strike: line 28 through line 30 in their entirety

Insert: "(3) Nothing in this part precludes a political subdivision from designating by ordinance or resolution, without prior state designation, flood plains and floodways as designated by the United States federal emergency management agency and as necessary for compliance with the national flood insurance program if the department determines the designation is in compliance with parts 1 through 4 of this chapter."

And, as amended, do pass. Report adopted.

HB 231, do pass. Report adopted.

HB 244, do pass. Report adopted.

HB 245, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/23/2009

SB 41, introduced by Lewis

SB 126, introduced by Murphy

SB 140, introduced by Perry

SB 182, introduced by Esp

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 333, introduced by P. Noonan, Villa, Mendenhall, Sesso, Hollenbaugh, Hiner, A. Noonan, Keane, Ankney, McClafferty, Ebinger, Ingraham, Menahan, De. Barrett, Gallus, Welborn, referred to Appropriations.

HB 334, introduced by Belcourt, referred to Appropriations.

HB 335, introduced by Washburn, referred to Education.

HB 336, introduced by Washburn, referred to Local Government.

HB 337, introduced by Blewett, referred to Fish, Wildlife and Parks.

HB 338, introduced by Ankney, O'Hara, Mehlhoff, Berry, Klock, referred to Federal Relations, Energy, and Telecommunications.

HB 339, introduced by Kottel, referred to Judiciary.

HB 340, introduced by MacDonald, Getz, Malek, Hamilton, Pomnichowski, Campbell, Furey, Grinde, Boss Ribs, French, McClafferty, Fleming, Pease-Lopez, Driscoll, Dickenson, Branae, referred to Judiciary.

HB 341, introduced by Nooney, referred to Taxation.

HB 342, introduced by Roberts, referred to Judiciary.

HB 343, introduced by A. Noonan, Keane, Black, Hiner, Klock, Campbell, Laible, Williams, Augare, Brenden, Miller, referred to Federal Relations, Energy, and Telecommunications.

HB 344, introduced by Steenson, Caferro, referred to Appropriations.

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HB 345, introduced by K. Peterson, Essmann, referred to Judiciary.
HB 346, introduced by Stoker, referred to Fish, Wildlife and Parks.
HB 347, introduced by Mendenhall, referred to Judiciary.
HB 348, introduced by Himmelberger, referred to State Administration.
HB 349, introduced by Villa, referred to Judiciary.
HB 350, introduced by Kottel, referred to Judiciary.
HB 351, introduced by Warburton, O'Hara, Hendrick, Sales, Himmelberger, Sonju, French, Howard, Jones, Belcourt, Stewart-Peregoy, Randall, Windy Boy, Ankney, Regier, Boniek, D. Brown, T. Brown, Balyeat, McGee, Vincent, Ingraham, Ripley, K. Peterson, McGillvray, More, Kerns, Pease-Lopez, Mendenhall, Bean, Hansen, Wagner, Butcher, Hinkle, Smith, Roundstone, referred to Judiciary.
HB 352, introduced by Steenson, Driscoll, Jones, Ebinger, Ankney, referred to Business and Labor.
HB 353, introduced by Hunter, Furey, Kaufmann, referred to Appropriations.
HB 354, introduced by Glaser, Gebhardt, referred to Business and Labor.
HB 355, introduced by McClafferty, Villa, Hiner, Sesso, Keane, P. Noonan, Pomnichowski, Malek, Boss Ribs, Augare, P. Beck, Ebinger, Belcourt, Jones, Menahan, Pease-Lopez, referred to Education.
HB 356, introduced by Wagner, referred to Transportation.
HB 357, introduced by Berry, Hunter, Glaser, referred to Business and Labor.

The following Senate bills were introduced, read first time, and referred to committees:

SB 41, introduced by Lewis, referred to Education.
SB 126, introduced by Murphy, referred to Agriculture.
SB 140, introduced by Perry, referred to Judiciary.
SB 182, introduced by Esp, referred to Judiciary.

MOTIONS

Rep. Campbell moved that **HB 135** be moved from second reading to the Appropriations Committee. Motion carried.
Rep. Campbell moved to pass consideration on **HB 143** for the day. Motion carried.
Rep. Phillips requested a recess for a Democratic caucus.
Rep. Mendenhall announced that the Republicans will wait in the chambers.
Mr. Speaker ordered the house to recess for 20 minutes and that business will resume at 1:30 p.m..
The House resumed order at 1:30 p.m..

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative French in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJR 1 - Representative Villa moved **SJR 1** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan,

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Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 82 - Representative Driscoll moved **HB 82** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Driscoll Point of Personal Privilege thanked every Representative and everyone else for their support yesterday before, during and after the committee hearing.

HB 93 - Representative Sands moved **HB 93** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 79

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Nays: Blasdel, Boniek, Glaser, Hawk, Hendrick, Howard, Jones, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Sales, Taylor, Vance, Wagner.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 121 - Representative Cohenour moved **HB 121** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 188 - Representative Kottel moved **HB 188** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jopek, Kasten, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 74

Nays: Blasdel, Boniek, Butcher, Glaser, Himmelberger, Ingraham, Jones, Kerns, Lake, MacLaren, McNutt, Mendenhall, Miller, Nooney, Peterson, Regier, Roberts, Sales, Sonju, Stoker, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 26

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HJR 9 - Representative Furey moved **HJR 9** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: Boniek.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman French moved the Committee of the Whole report be adopted. Report **not** adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 61 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Kerns, Sales.

Total 2

Excused: None.

Total 0

Absent or not voting: Wagner.

Total 1

HB 158 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Steenson, Taylor, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 74

Nays: Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Ingraham, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Roberts, Sales, Sonju, Stahl, Stoker, Vance, Vincent, Wagner, Washburn.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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MOTIONS

Rep. De. Brown moved to suspend the rules to attach signatures to **HJR 9**. Motion carried.

Rep. Campbell moved that **HB 82** be moved to House Appropriations committee. Motion carried.

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HB 28** Motion carried.

HB 28 (Ingraham, Chief Sponsor)

01/23/09

Representatives Ankney, B. Beck, Furey, MacLaren.

ANNOUNCEMENTS

Rep. Sands recommended that each legislator write a letter or two to every Montanan serving in the military overseas.

Mr. Speaker asked the Representatives to clean out their mailboxes.

Mr. Speaker announced the addition of co-sponsor sheets for bills, one pink for the Senate and one green for the House, these will be used as co-sponsor sheets to clean up errors and make the co-sponsor process more efficient for everyone recording the co-sponsors.

Rep. Cohenour announced that Basketball practices start tonight at 7:30 at Briant School. April 8th is the date for the annual Senate vs. House basketball game.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:00 a.m., Saturday, January 24, 2009. Motion carried.

House adjourned at 2:08 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SEVENTEENTH LEGISLATIVE DAY**

Helena, Montana
January 24, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Stoker. Pledge of Allegiance to the Flag. Roll Call. All members present. Except for Representatives Grinde, Howard, Nooney, and Wiseman who were excused. Quorum present.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):
HB 13, introduced bill, be amended as follows:

1/24/2009

1. Page 6, line 25.

Following: "~~2006~~."

Insert: "Base or biennial salary increases under this subsection are exclusive of and not in addition to any increases otherwise awarded to other state employees after July 1, 2006."

2. Page 7, line 10.

Strike: "2009"

Insert: "2008"

Strike: the first "2010"

Insert: "2009"

Strike: the second "2010"

Insert: "2009"

3. Page 7, line 11.

Strike: the first "2011"

Insert: "2010"

Strike: the second "2011"

Insert: "2010"

4. Page 10.

Strike: line 3 through line 16

Insert: "Fiscal Year 2010

General Fund State Special Federal Special Proprietary

Legislative Branch

\$41,022

Consumer Counsel

\$1,908

Judicial Branch

\$133,322 \$6,360 \$239

Executive Branch

\$1,629,967 \$1,284,249 \$782,932 \$35,373

MUS

\$1,429,997 \$636 \$54,060

Total

\$3,234,308 \$1,293,153 \$837,231 \$35,373

Fiscal Year 2011

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General Fund	State Special	Federal Special	Proprietary
Legislative Branch			
\$123,840			
Consumer Counsel			
\$5,760			
Judicial Branch			
\$408,240	\$19,200	\$720	
Executive Branch			
\$4,931,731	\$3,881,955	\$2,364,781	\$106,782
MUS			
\$2,885,088	\$1,284	\$109,140	
Total			
\$8,348,899	\$3,908,199	\$2,474,641	\$106,782"

5. Page 10.

Strike: line 19 through line 25

Insert: "

General Fund	State Special	Federal Special	Proprietary
Legislative Branch			
\$19,744			
Consumer Counsel			
\$527			
Judicial Branch			
\$124,649	\$2,633	\$395	
Executive Branch			
\$1,838,668	\$1,344,238	\$765,219	\$37,480
MUS			
\$1,082,390	\$527	\$28,958	
Total			
\$3,065,451	\$1,347,925	\$794,572	\$37,480"

NATURAL RESOURCES (Milburn, Chairman):

1/24/2009

HB 21, do pass. Report adopted.

HB 40, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Strike: "PROVIDING FOR" through "INFORMAL HEARING;"

2. Page 4, line 22.

Following: "applicant"

Strike: "and"

Insert: ", "

Following: "(2)(d)"

Insert: ", and persons who may claim standing pursuant to 85-2-308"

3. Page 6, line 20 through line 22.

Strike: "hearing" on line 20 through "conditions" on line 22

Insert: "contested case hearing, pursuant to Title 2, chapter 4, part 6, on the objection within 90 days from the date set by the department for the filing of objections"

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4. Page 6, line 24 through line 25.

Strike: "The applicant" on line 24 through "criteria." on line 25

5. Page 6, line 26.

Strike: "The department shall allow for discovery."

Insert: "The department may extend the 90-day deadline for good cause shown or upon request of the applicant and all objectors."

6. Page 7, line 11.

Following: "(1)"

Insert: "(a)"

7. Page 7.

Following: line 22

Insert: "(b)(i) Upon request from the applicant, the department shall appoint a hearing examiner who did not participate in the preliminary determination.

(ii) The applicant may make only one request pursuant to this subsection (1)(b) for a different hearing examiner."

8. Page 8, line 2.

Strike: "may consider" through "conditions and"

Insert: "shall"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

1/24/2009

HB 59, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Following: "CODE;"

Insert: "COMPLYING WITH THE FEDERAL HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008;"

2. Page 21.

Following: line 21

Insert: "NEW SECTION. **Section 17. Compliance with federal act.** With respect to a member's death occurring on or after January 1, 2007, while a member is performing qualified military service covered under the Heroes Earnings Assistance and Relief Tax Act of 2008, Public Law 110-245, and to the extent required by section 401(a)(37) of the Internal Revenue Code, 26 U.S.C. 401(a)(37), the designated beneficiaries are entitled to benefits that the system would have provided if the member had resumed employment and then died and that are contingent on the member's death while employed."

Renumber: subsequent sections

3. Page 22.

Following: line 15

Insert: "NEW SECTION. Section 21. Codification instruction. [Section 17] is intended to be codified as an integral part of Title 19, chapter 20, part 10, and the provisions of Title 19, chapter 20, part 10, apply to [section 17]."

Renumber: subsequent sections

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4. Page 22, line 24.

Insert: "(3) [Section 17] applies retroactively, within the meaning of 1-2-109, to teachers' retirement system member deaths on and after January 1, 2008."

And, as amended, do pass. Report adopted.

HB 147, introduced bill, be amended as follows:

1. Page 3, line 4.

Following: "expenditure"

Insert: "or incurring a debt obligation"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/24/2009

SB 77, introduced by Juneau

SB 89, introduced by M. Tropila

SB 117, introduced by Wanzenried

SB 127, introduced by Gillan

SB 130, introduced by Hamlett

SB 156, introduced by Cooney

SB 160, introduced by Jent

Senate joint resolutions passed and transmitted to the House for concurrence:

1/24/2009

SJR 2, introduced by Lewis

SJR 6, introduced by Hansen

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 359, introduced by Pomnichowski, Larsen, referred to Natural Resources.

HB 360, introduced by Caferro, Augare, referred to Taxation.

HB 361, introduced by Wiseman, Hands, Brueggeman, Zinke, referred to Local Government.

HB 362, introduced by Henry, referred to Judiciary.

HB 363, introduced by Jones, Glaser, Black, Arntzen, Hollandsworth, Steenson, referred to State Administration.

HB 364, introduced by Villa, Phillips, Himmelberger, MacLaren, Dickenson, Cohenour, Hamilton, Sands, Hiner, Campbell, Kottel, Gebhardt, D. Brown, French, K. Peterson, Augare, Wilmer, De. Barrett, A. Noonan, Williams, McNutt, Milburn, referred to State Administration.

HB 365, introduced by Roberts, referred to Human Services.

HB 366, introduced by McGillvray, Howard, K. Peterson, Himmelberger, Becker, R. Brown, Balyeat, Essmann, Ankney, Morgan, Arntzen, Glaser, B. Beck, Smith, Kerns, Randall, referred to Fish, Wildlife and Parks.

HB 367, introduced by McGillvray, D. Brown, Caferro, Sands, Smith, Reichner, referred to Human Services.

HB 368, introduced by Fleming, Furey, Larsen, referred to Agriculture.

The following Senate bills were introduced, read first time, and referred to committees:

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SB 77, introduced by Juneau, referred to Human Services.
SB 89, introduced by M. Tropila, referred to Business and Labor.
SB 117, introduced by Wanzenried, referred to Appropriations.
SB 127, introduced by Gillan, referred to Business and Labor.
SB 130, introduced by Hamlett, referred to Agriculture.
SB 156, introduced by Cooney, referred to State Administration.
SB 160, introduced by Jent, referred to Judiciary.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 2, introduced by Lewis, referred to Education.
SJR 6, introduced by Hansen, referred to Business and Labor.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 93 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 79

Nays: Bennett, Blasdel, Boniek, Glaser, Hawk, Howard, Jones, Kasten, Kerns, Lake, Mendenhall, Miller, More, Peterson, Randall, Regier, Sales, Taylor, Vance, Vincent.
Total 20

Excused: Grinde.
Total 1

Absent or not voting: None.
Total 0

HB 121 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

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Nays: None.
Total 0

Excused: Grinde.
Total 1

Absent or not voting: None.
Total 0

HB 188 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 71

Nays: Bean, Bennett, Blasdel, Boniek, Butcher, Glaser, Hawk, Himmelberger, Jones, Kerns, Lake, MacLaren, McNutt, Mendenhall, Miller, Peterson, Regier, Roberts, Sales, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 28

Excused: Grinde.
Total 1

Absent or not voting: None.
Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative B. Beck in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Rep. Milburn moved to pass consideration on HB 238 for the day. Motion carried.

HB 90 - Representative Hawk moved **HB 90** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith,

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Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 137 - Representative McNutt moved **HB 137** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Taylor.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 222 - Representative Cohenour moved **HB 222** do pass. Motion **carried** as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Ankney, Butcher, Kerns, Randall, Vance, Warburton.

Total 6

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 231 - Representative Glaser moved **HB 231** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman B. Beck moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 92

Nays: Van Dyk.

Total 1

Excused: Grinde, Howard, Nooney, Wiseman.

Total 4

Absent or not voting: B. Beck, Butcher, Hoven.

Total 3

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MOTIONS

Rep. Campbell moved that **HB 325** be moved from the Committee on Business and Labor to the Health and Human Services Committee. Motion carried.

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HJR 9** Motion carried.

HJR 9 (Furey, Chief Sponsor)

Di. Barrett, Belcourt, Berry, Blasdel, Boland, D. Brown, Campbell, Gillan, Glaser, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kasten, Lake, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Mendenhall, Miller, Morgan, A. Noonan, Roberts, Perry, K. Peterson, Sales, Sands, Sesso, Shockley, Vincent, Wagner, Warburton, Washburn, Wilson.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Monday, January 26, 2009. Motion carried.

House adjourned at 8:35 a.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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61ST LEGISLATURE
EIGHTEENTH LEGISLATIVE DAY**

Helena, Montana
January 26, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. MacDonald. Pledge of Allegiance to the Flag.

Roll Call. All members present. Except for Rep. Grinde who was excused. Quorum present.

Rep. Sales requested a moment of silence for Rep. Kasten's sister who passed away this past weekend.

Rep. De. Brown wished Rep. Pomnichowski a happy birthday.

Mr. Speaker introduced the pages for the week and welcome them to the house. Jonathan Billings (Helena), Benjamin Hargrove (Billings), Grace Lahey (Missoula), Cody Lux (Billings), Cassandra Putnam (Helena), Megan Russell (Great Falls), Lauran Stauffer (Butte).

REPORTS OF STANDING COMMITTEES

JUDICIARY (Stoker, Chairman):

1/26/2009

HB 133, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Strike: "40-5-908,"

Insert: "40-5-907,"

2. Page 7, line 22.

Following: "account"

Insert: "or to be paid by credit card"

3. Page 10, line 17 through page 11, line 12.

Strike: section 7 in its entirety

4. Page 11.

Following: line 12

Insert: "**Section 7.** Section 40-5-907, MCA, is amended to read:

"40-5-907. Case registry -- abstracts -- information required -- mandatory updating. (1) There must be registered in the case registry an abstract of:

(a) each case, including interstate cases, receiving IV-D services provided by the department;

(b) each support order entered and each modification of an existing support order made in this state after October 1, 1998; and

(c) each subsequent order or action establishing, modifying, adjusting, granting relief from, terminating, or otherwise affecting a support order in a registered case.

(2) Each abstract must include:

(a) the name, sex, [social security number, other] identification numbers, if any, date of birth, driver's license number, telephone number, and residential and mailing addresses of the parents;

(b) the child's name, date of birth, sex, [social security number, if any,] and residential address if different from that of the child's custodian;

(c) the name and location of the obligee if the obligee is a person or agency other than the child's parent;

(d) the name, address, and telephone number of the obligor's employer or of another payor of income to the obligor;

(e) (i) if the child is covered by a health or medical insurance plan and the information is available in an

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electronic format, the name of the insurance carrier or health benefit plan, the policy identification number, the name of the persons covered, and any other pertinent information regarding coverage; or

(ii) if the child is not covered, information as to the availability of coverage for the child through the obligor's and obligee's employers; and

(f) any other information that the department considers relevant and requires by rule.

(3) The abstract of a support order must include:

(a) the amount of the support payment and supplemental support payments, if any, for each child and the amount of spousal maintenance if ordered in the same case;

(b) the specific day or dates the payment is due;

(c) the inclusive dates of the support obligation;

(d) the terms of any condition that may affect the amount of the payment, the due date, or the obligation to pay support;

(e) each subsequent judgment for support arrears and the amounts of any interest, late payment penalties, and fees included in the judgment;

(f) any specific child support lien imposed against real or personal property of the obligor;

(g) the terms of any medical and health coverage provision for the child; and

(h) the name and county of the judicial district or the name and address of the agency where the record of the case is located and the cause number or case identification number for the case.

(4) (a) For each IV-D case with a support order registered in the case registry, there must be a record of the date and the amount of support payments made by the obligor, dates and amounts of support collected from other sources, dates of distribution of support payments, names and locations of persons or agencies to whom support payments and collections were distributed, and the balance of support owed by the obligor.

(b) Except as provided in subsection (5), the department need not maintain payment records in a non IV-D case.

(5) A copy of each non IV-D income-withholding order must be included in the case registry. For each registered income-withholding order, there must be a record of payments received by the department from the payor under the income-withholding order, the date and amount of each payment, the date the department distributed the payment, and the person or agency to whom the payment was distributed.

(6) The statistical report required by the department under 50-15-302 may be combined with and made a part of the abstract of support order form.

(7) (a) Each support order entered or modified in this state after October 1, 1998, must include a requirement that the obligor and obligee update, as necessary, the information included in the abstract under subsection (2).

(b) The order must also provide that in a subsequent child support enforcement action, upon sufficient showing that diligent effort has been made to ascertain the location of the obligor or obligee, the court or agency taking the enforcement action may consider the due process requirements for notice and service of process to be met with respect to the party upon delivery of written notice by regular mail to the most recent address or employer address reported to the case registry.

(c) If the support order does not include the provisions required by subsections (7)(a) and (7)(b) or if the support order was entered or last modified in this state before October 1, 1998, the department may give written notice of the provisions to the obligor and obligee. Upon receipt of the notice, the provisions have the same force and effect on the obligor and obligee as if included in the support order. (Bracketed language terminates on occurrence of contingency--sec. 1, Ch. 27, L. 1999.)"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

1/26/2009

HB 30, introduced bill, be amended as follows:

1. Title, page 1, line 6.

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Following: "CRITERIA FOR"

Insert: "SCHOOL ELECTION JUDGES AND"

2. Page 6.

Following: "line 26"

Insert: "(2) An individual seeking appointment as a youth election judge must have:

(a) written consent of a parent; and

(b) if the individual is a student, written consent from the individual's school principal."

Renumber: subsequent subsections

3. Page 7, line 2.

Strike: "(2)(a)(ii)"

Insert: "(3)(a)(ii)"

4. Page 7, line 3.

Strike: "(2)"

Insert: "(3)"

5. Page 7, line 24.

Following: "13-1-101"

Insert: ", who meet the requirements of 13-4-107"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/26/2009

SB 34, introduced by Lewis

SB 67, introduced by Laible

SB 68, introduced by Wanzenried

SB 78, introduced by Brenden

SB 155, introduced by Cooney

SB 161, introduced by De. Barrett

SB 168, introduced by Zinke

SB 171, introduced by Barkus

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 369, introduced by McClafferty, MacDonald, Gallus, Hamilton, P. Noonan, Villa, Kottel, Malek, Boss Ribs, Kaufmann, Sesso, Schmidt, Augare, Fleming, Boland, Williams, Wanzenried, Squires, Steenson, Juneau, Blewett, Keane, Windy Boy, Hamlett, Jent, Wilmer, Cohenour, Reinhart, Caferro, Branae, A. Noonan, Stewart-Peregoy, referred to Education.

HB 370, introduced by Cohenour, referred to Judiciary.

HB 371, introduced by Cohenour, referred to Transportation.

HB 372, introduced by Wilmer, referred to Judiciary.

HB 373, introduced by Wilmer, Fleming, Furey, MacLaren, A. Noonan, referred to Transportation.

HB 374, introduced by Arntzen, Jones, McAlpin, Wilson, Klock, Augare, referred to Business and Labor.

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HB 375, introduced by Phillips, referred to Federal Relations, Energy, and Telecommunications.

The following Senate bills were introduced, read first time, and referred to committees:

SB 34, introduced by Lewis, referred to Local Government.

SB 67, introduced by Laible, referred to Education.

SB 68, introduced by Wanzenried, referred to Agriculture.

SB 78, introduced by Brenden, referred to Local Government.

SB 155, introduced by Cooney, referred to State Administration.

SB 161, introduced by De. Barrett, referred to Business and Labor.

SB 168, introduced by Zinke, referred to Transportation.

SB 171, introduced by Barkus, referred to Judiciary.

Rep. Phillips requested a caucus for 10 min.

Rep. Mendenhall requested a caucus for 10 min.

Mr. Speaker the House recessed for 10 minutes at 1:11 p.m..

Mr. Speaker the House came to order at 1:21 p.m..

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Villa in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 168 - Representative Roundstone moved **HB 168** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Boniek, Howard, McGillvray, Randall, Sales.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 190 - Representative Van Dyk moved **HB 190** do pass.

HB 190 - Representative K. Peterson moved **HB 190**, second reading copy, be amended as follows:

1. Title, line 13 through line 17.

Strike: line 13 through "PASSAGE;" on line 17

Insert: "PROVIDING FOR THE ERECTION, MAINTENANCE, AND REPLACEMENT OF A LEGAL FENCE IN THE RIGHT-OF-WAY IF THE FENCE IS ATTACHED TO THE COUNTY BRIDGE; ALLOWING A BOARD OF COUNTY COMMISSIONERS TO CONDITION RECREATIONAL ACCESS AT COUNTY BRIDGES AND TO IMPOSE REASONABLE REQUIREMENTS ON A FENCE AND ON ATTACHMENT OF THE FENCE TO A COUNTY BRIDGE; PROVIDING FOR PUBLIC PAYMENT OF THE COSTS OF SPECIAL FENCING CONDITIONS; PROVIDING FOR PROPOSALS FOR THE IMPROVEMENT AND ENHANCEMENT OF RECREATIONAL ACCESS OVER OR THROUGH A LEGAL FENCE WITHIN THE RIGHT-OF-WAY AT A COUNTY BRIDGE; PROVIDING FOR APPEAL OF A DECISION OF A BOARD OF COUNTY COMMISSIONERS REGARDING RECREATIONAL ACCESS AT A COUNTY BRIDGE TO THE DISTRICT COURT;"

2. Page 2, line 17.

Following: "2"

Strike: "and 3"

Insert: "through 5"

3. Page 2, line 27.

Following: "section"

Strike: "3"

Insert: "4"

4. Page 3, line 7 through page 4, line 1.

Strike: section 3 in its entirety

Insert: "NEW SECTION. Section 3. Resolution of recreational access controversy at county bridge. (1) (a)

If a controversy arises over the use of recreational access to a stream or river at a county bridge, the board of county commissioners shall, upon petition by either party, convene and conduct hearings and take any action necessary, including marking of an access route and modification and removal of fences, barriers, and impediments to reasonable recreational access to the stream or river.

(b) The board, by a reasonable exercise of its police powers and without a hearing, may also condition the recreational access for purposes of public safety.

(c) A majority vote of the board is required for any decision made pursuant to this subsection (1).

(2) The board of county commissioners shall render a final decision within 30 days of the conclusion of any hearing convened pursuant to subsection (1)(a). If recreational access is conditioned without a hearing pursuant to subsection (1)(b), the board shall render a final decision within 60 days of the date a petition is filed with the board.

(3) Within 30 days of a final decision of the board of county commissioners pursuant to subsection (2), either party may appeal the decision to the district court for a trial de novo."

Insert: "NEW SECTION. Section 4. Fences within county road right-of-way -- legal fence requirements. (1)

An existing legal fence as described in 81-4-101 constructed for livestock control, except an electric fence, and the point of attachment to a county bridge may be maintained, repaired, and replaced with a similar fence.

(2) A landowner shall request authorization from the board of county commissioners to attach a new legal fence for livestock control, as described in subsection (1), to a county bridge within the county road right-of-way. The fence and its attachment must be only as restrictive as necessary to control livestock and must be as least restrictive to public access as is reasonable. The board may impose reasonable requirements on the fence and on attachment of the fence, including enhanced access to the stream. The cost of any special conditions imposed in

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addition to the cost of a legal fence described in subsection (1) must be borne by the department and not the landowner.

(3) A fence that does not meet the definition of a legal fence in 81-4-101 and that is attached to a county bridge within the county road right-of-way is considered a barrier under 23-2-311, and a person desiring recreational access to a stream or river may portage or go around the illegal fence."

Insert: "NEW SECTION. Section 5. Proposal for enhancement of stream access -- notice and hearing. (1)

Any interested person or group or the department may propose to improve and enhance recreational access over or through a legal fence that is attached to a county bridge within the county road right-of-way. Costs for the construction, maintenance, and repair of any improvement or enhancement may not be charged to the owner of the fence but must be borne by the department. The department may accept money from any interested person or group for improving or enhancing recreational access pursuant to this subsection and shall administer the money through the fund created in 87-1-611. The improvement or enhancement may not in any way compromise the purpose for which the fence was constructed.

(2) (a) A proposal to improve and enhance recreational access pursuant to subsection (1) must be presented to the owner of the fence. The proposal must be in writing, and the fence owner has 10 days to evaluate the proposal.

(b) If the proposal is rejected, the interested person or group or the department may petition the board of county commissioners for a hearing on the proposal, and the board shall hold a hearing on the petition. Notice of the hearing must be provided to the fence owner at least 10 days prior to the date set for the hearing. The fence owner has the right to be present at the hearing and to offer testimony and evidence concerning the proposal.

(c) The board shall render a final decision on the petition within 30 days after the hearing. Within 30 days of a final decision of the board, either party may appeal the decision to the district court for a trial de novo.

(3) Once a legal fence is installed that meets the requirements of [section 3 or 4], as applicable, the landowner is entitled to the exemption from liability in 70-16-302."

Renumber: subsequent sections

5. Page 4, line 3.

Strike: "and 3"

Insert: "through 5"

6. Page 4, line 5.

Strike: "and 3"

Insert: "through 5"

Amendment **failed** as follows:

Yeas: Bennett, Boniek, Butcher, Hendrick, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Stoker, Taylor, Vance, Wagner.
Total 24

Nays: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 76

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 190 - Representative Van Dyk moved **HB 190** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Boniek, Mendenhall, Randall, Sales, Vance.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 48 - Representative P. Beck moved **HB 48** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 79

Nays: B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Hendrick, Kasten, Kerns, Lake, McGillvray, Mendenhall, Morgan, Randall, Reichner, Smith, Sonju, Stoker, Taylor, Vance.
Total 20

Excused: None.
Total 0

Absent or not voting: Sales.
Total 1

Mr. Speaker Bergren moved that **HB 143** be moved to immediately follow **HB 48**. Motion carried.

HB 143 - Representative McAlpin moved **HB 143** do pass. Motion **carried** as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell,

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Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 51

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Villa moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Van Dyk, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 74

Nays: Blasdel, Boniek, Hawk, Hendrick, Ingraham, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Sales, Sonju, Stahl, Vance, Vincent.

Total 19

Excused: Grinde.

Total 1

Absent or not voting: Butcher, Campbell, McChesney, Phillips, Villa, Wagner.

Total 6

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJR 9 adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming,

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French, Furey, Getz, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Boniek.

Total 1

Excused: Grinde.

Total 1

Absent or not voting: Pease-Lopez.

Total 1

HB 90 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Mendenhall.

Total 1

Excused: Grinde.

Total 1

Absent or not voting: Pease-Lopez.

Total 1

HB 137 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 96

Nays: Taylor, Washburn.
Total 2

Excused: Grinde.
Total 1

Absent or not voting: Blasdel.
Total 1

HB 222 passed as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Ankney, Boniek, Butcher, Howard, Kerns, Randall, Vance, Warburton.
Total 8

Excused: Grinde.
Total 1

Absent or not voting: None.
Total 0

HB 231 passed as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: None.
Total 0

Excused: Grinde.
Total 1

Absent or not voting: A. Noonan.
Total 1

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SJR 1 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Rep. Campbell moved that **HB 190** be moved to House Appropriations. Motion carried.

Rep. Campbell moved that **HB 143** be moved to House Appropriations. Motion carried.

ANNOUNCEMENTS

Mr. Speaker informed members that due to the in-depth discussion during today's second reading, and because committee meetings begin this afternoon at 3:00 p.m., we will continue with the rest of the 2nd reading bills later this week. If days continue like today, we will re-adourn later in the evening to finish session.

Mr. Speaker the state of the state is Wednesday night, make sure your desks are clean.

Rep. Lake at 5:30 Rm. 102 Montana Body on Economic is presenting today, Topic: Recession.

Rep. Cohenour basketball begins this evening between 7:00 and 7:15.

Rep. Sands reminds everyone that the Cancer Society Action Network is holding a reception tonight.

Rep. Ankney announces a Coal Strip reception tonight at the Great Northern Hotel.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Tuesday, January 27, 2009. Motion carried.

House adjourned at 2:55 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
NINETEENTH LEGISLATIVE DAY**

Helena, Montana
January 27, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Taylor. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman): 1/27/2009
HB 98, do pass. Report adopted.

JUDICIARY (Stoker, Chairman): 1/27/2009
HB 55, introduced bill, be amended as follows:

1. Page 2.

Following: line 21

Strike: ", "

Insert: ":

(i) notify the school district in which the youth is enrolled of the adjudication, any terms of probation, and the facts of the offense for which the youth was adjudicated and provide a copy of the court's disposition order to the district; and

(ii)"

2. Page 2, line 22.

Following: "46-18-255(2)"

Insert: ", unless the youth is approved by the department for placement in a home, program, or facility for delinquent youth"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/27/2009

SB 111, introduced by Ripley

SB 131, introduced by Williams

SB 152, introduced by Brueggeman

SB 196, introduced by Windy Boy

SB 215, introduced by Steinbeisser

Senate joint resolutions passed and transmitted to the House for concurrence: 1/27/2009

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SJR 4, introduced by Laible
SJR 8, introduced by Hawks
SJR 13, introduced by Zinke

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 376, introduced by Taylor, Kottel, referred to Judiciary.
HB 377, introduced by Reinhart, referred to Transportation.
HB 378, introduced by Blasdel, Wanzenried, referred to Business and Labor.
HB 379, introduced by Hendrick, referred to Natural Resources.

The following Senate bills were introduced, read first time, and referred to committees:

SB 111, introduced by Ripley, referred to Natural Resources.
SB 131, introduced by Williams, referred to Natural Resources.
SB 152, introduced by Brueggeman, referred to Transportation.
SB 196, introduced by Windy Boy, Belcourt, Stewart-Peregoy, Pease-Lopez, Boss Ribs, Campbell, Augare, referred to State Administration.
SB 215, introduced by Steinbeisser, referred to Local Government.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 4, introduced by Laible, referred to Education.
SJR 8, introduced by Hawks, referred to Education.
SJR 13, introduced by Zinke, referred to State Administration.

MOTIONS

Rep. Campbell moved to take **HB 190** from the House Appropriations Committee and place on 3rd reading on this legislative day. Motion Carried.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Brown in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 60 - Representative Ebinger moved **HB 60** do pass. Motion **carried** as follows:

Yeas: Augare, Barrett, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Menahan, More, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Wagner, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 55

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Nays: Ankney, Arntzen, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Washburn, Welborn.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 129 - Representative Getz moved **HB 129** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: Bennett, Blasdel, Boniek, Butcher, Hendrick, Hoven, Howard, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Randall, Roberts, Sales, Smith, Vincent, Wagner.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 205 - Representative Ebinger moved **HB 205** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

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Absent or not voting: Stahl.
Total 1

HB 13 - Representative Hunter moved **HB 13** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 63

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Milburn, Miller, More, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.
Total 37

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 27 - Representative Wiseman moved **HB 27** do pass. Motion **carried** as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 58

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn, Welborn.
Total 42

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 221 - Representative Cohenour moved **HB 221** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin,

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McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: P. Beck, Himmelberger, Ingraham, Regier.

Total 4

Excused: None.

Total 0

Absent or not voting: Campbell.

Total 1

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Brown moved the Committee of the Whole report be adopted. Report adopted unanimously.

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: Blasdel, Boniek, Hawk, Hendrick, Himmelberger, Kasten, Lake, McGillvray, Mendenhall, Miller, More, Regier, Sales, Vincent.

Total 14

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 48 passed as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski,

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Regier, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: Ankney, B. Beck, Blasdel, Brown, Butcher, Hawk, Hendrick, Kasten, Kerns, Lake, McGillvray, Mendenhall, Nooney, Peterson, Randall, Reichner, Roberts, Sales, Smith, Sonju, Taylor, Vance, Vincent.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 168 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Boniek, Howard, Kasten, McGillvray, Morgan, Sales.

Total 6

Excused: None.

Total 0

Absent or not voting: MacDonald.

Total 1

HB 190 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Boniek, Randall, Vance.

Total 3

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Rep. Campbell moved that **HB 60** be moved to the House Appropriations Committee.
Rep. Campbell moved that **HB 27** be moved to the House Appropriations Committee.

ANNOUNCEMENTS

Mr. Speaker announced to the body to clear their desks for tomorrow's State of the State Address by the Governor. From 9:00 to 10:00 and from 4:00 to 4:45 the house chambers will be locked for security reasons. We will also re-adjoin tomorrow for the State of the State Address beginning promptly at 6:40 p.m. tomorrow.

Rep. Klock MT Tavern reception tonight at Jorgenson's.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Wednesday, January 28, 2009. Motion carried.

House adjourned at 2:01 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
TWENTIETH LEGISLATIVE DAY**

Helena, Montana
January 28, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Dickenson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Ankney announced that On Monday January, 26th 2009 USMC Staff Sargent Trevor Johnson was killed in action while leading a patrol in Afghanistan. He leaves a wife, his mother Colleen, Father Tom, and a sister. The mother and father reside on the family ranch in Colstrip.

Mr. Speaker holds a \$50 bill, and challenges the members of the House to match his donation to help offset the cost of the secretary's medical bill, after breaking her arm over the weekend. Rep. Sands will be collecting the money

COMMUNICATIONS AND PETITIONS

BUSINESS AND LABOR (Wilson, Chairman):

1/28/2009

HB 114, introduced bill, be amended as follows:

1. Page 3, line 22.

Following: "omission"

Insert: "specifically"

And, as amended, do pass. Report adopted.

HB 195, introduced bill, be amended as follows:

1. Page 2, line 4.

Following: "16-4-401"

Insert: "for an on-premises consumption license"

2. Page 5, line 12.

Following: "area"

Insert: ", as prescribed in 16-4-105,"

And, as amended, do pass. Report adopted.

JUDICIARY (Stoker, Chairman):

1/28/2009

SB 10, be concurred in. Report adopted.

SB 125, be concurred in. Report adopted.

HB 150, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

1/28/2009

HB 193, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "OF THE"

Insert: "STATE"

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2. Title, page 1, line 5.

Following: "TO"

Insert: "STATE"

Following: "SECTIONS"

Insert: "2-15-102,"

3. Page 1, line 10.

Insert: "**Section 1.** Section 2-15-102, MCA, is amended to read:

"2-15-102. Definitions. As used in this chapter, the following definitions apply:

(1) "Advisory capacity" means furnishing advice, gathering information, making recommendations, and performing other activities that may be necessary to comply with federal funding requirements and does not mean administering a program or function or setting policy.

(2) "Agency" means an office, position, commission, committee, board, department, council, division, bureau, section, or any other entity or instrumentality of the executive branch of state government.

(3) "Data" means any information stored on information technology resources.

(4) "Department" means a principal functional and administrative entity that:

(a) is created by this chapter within the executive branch of state government;

(b) is one of the 20 principal departments permitted under the constitution; and

(c) includes its units.

(5) "Department head" means a director, commission, board, commissioner, or constitutional officer in charge of a department created by this chapter.

(6) (a) "Director" means a department head specifically referred to as a director in this chapter and does not mean a commission, board, commissioner, or constitutional officer.

(b) The term does not include the state director of Indian affairs provided for in 2-15-217.

(7) "Executive branch" means the executive branch of state government referred to in Article III, section 1, and Article VI of the Montana constitution.

(8) "Function" means a duty, power, or program, exercised by or assigned to an agency, whether or not specifically provided for by law.

(9) "Information technology resources" means hardware, software, and associated services and infrastructure used to store or transmit information in any form, including voice, video, and electronic data.

(10) "Quasi-judicial function" means an adjudicatory function exercised by an agency, involving the exercise of judgment and discretion in making determinations in controversies. The term includes but is not limited to the functions of:

(a) interpreting, applying, and enforcing existing rules and laws;

(b) granting or denying privileges, rights, or benefits;

(c) issuing, suspending, or revoking licenses, permits, and certificates;

(d) determining rights and interests of adverse parties;

(e) evaluating and passing on facts;

(f) awarding compensation;

(g) fixing prices;

(h) ordering action or abatement of action;

(i) adopting procedural rules;

(j) holding hearings; and

(k) any other act necessary to the performance of a quasi-judicial function.

(11) "Quasi-legislative function" generally means making or having the power to make rules or set rates and all other acts connected with or essential to the proper exercise of a quasi-legislative function.

(12) "Unit" means an internal subdivision of an agency, created by law or by administrative action, including a division, bureau, section, or department, and an agency allocated to a department for administrative purposes only by this chapter.""

Renumber: subsequent sections

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4. Page 2, line 5.

Following: "~~coordinator~~"

Insert: "state"

5. Page 5, line 30.

Following: "~~coordinator~~'s"

Insert: "state"

And, as amended, do pass. Report adopted.

TAXATION (Lake, Chairman):

1/28/2009

SB 10, be concurred in. Report adopted.

SB 43, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/28/2009

SB 26, introduced by Murphy

SB 53, introduced by Lewis

SB 115, introduced by Kaufmann

SB 181, introduced by Esp

Senate joint resolution passed and transmitted to the House for concurrence:

1/28/2009

SJR 14, introduced by Larsen

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 380, introduced by Stahl, Jones, referred to Transportation.

HB 381, introduced by Miller, referred to Taxation.

HB 382, introduced by Hamilton, Boniek, Vincent, referred to Fish, Wildlife and Parks.

HB 383, introduced by Arntzen, D. Brown, Cohenour, Hamilton, Hendrick, Klock, Ingraham, McNutt, Menahan, O'Hara, Phillips, Pomnichowski, Taylor, Vincent, Squires, Story, referred to Fish, Wildlife and Parks.

HB 384, introduced by Villa, referred to Appropriations.

HB 385, introduced by Ebinger, Wilmer, Hamilton, Erickson, Villa, , Hollenbaugh, Furey, referred to Appropriations.

HB 386, introduced by O'Hara, McChesney, Squires, Reinhart, Steinbeisser, referred to Business and Labor

HB387, introduced by Reichner, referred to Transportation.

The following Senate bills were introduced, read first time, and referred to committees:

SB 26, introduced by Murphy, referred to Human Services.

SB 53, introduced by Lewis, referred to Human Services.

SB 115, introduced by Kaufmann, referred to Taxation.

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SB 181, introduced by Esp, referred to Taxation.

The following Senate Joint Resolutions were introduced, read first time, and referred to committees:

SJR 14, introduced by Larsen, referred to State Administration.

Rep. Phillips requested a caucus for 10 minutes in room 152.

Rep. Mendenhall announced that the House Republicans would stand at ease in the House.

Mr. Speaker the House will stand at ease for 10 minutes and reconvene at 1:20 p.m..

Mr. Speaker called the House to order at 1:24 p.m..

Rep. Campbell moved to pass consideration on **HB 133** for the day. Motion carried.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Boland in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 40 - Representative Cohenour moved **HB 40** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 59 - Representative Hamilton moved **HB 59** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson,

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Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 147 - Representative MacLaren moved **HB 147**, second reading copy, be amended as follows:

1. Page 3, line 4.

Following: "DEBT"

Insert: "or"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Bennett, Boniek, Mendenhall, Miller, More, Sales.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 147 - Representative MacLaren moved **HB 147** do pass as amended. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Sonju, Steenson, Stoker, Vance, Van Dyk, Vincent, Wilmer, Wilson, Wiseman.

Total 67

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Nays: Bennett, Berry, Boniek, Brown, Butcher, Getz, Hawk, Hoven, Howard, Kasten, Kerns, MacDonald, McGillvray, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Stahl, Taylor, Villa, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 238 - Representative Milburn moved **HB 238** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Butcher, Kerns, Mendenhall, Morgan, Peterson, Sales, Wagner.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Ankney moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: McGillvray, Mendenhall, More, Randall, Sonju, Vincent, Wagner.

Total 7

Excused: None.

Total 0

STATE INTERNET/BBS COPY

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Absent or not voting: Ingraham.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 13 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 62

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Himmelberger, Hiner, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Milburn, Miller, More, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.
Total 36

Excused: None.
Total 0

Absent or not voting: Reichner, Sesso.
Total 2

HB 129 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 80

Nays: Bennett, Blasdel, Boniek, Butcher, Hendrick, Howard, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Randall, Sales, Smith, Vincent, Wagner, Warburton.
Total 18

Excused: None.
Total 0

Absent or not voting: Ingraham, Sesso.
Total 2

HB 205 passed as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: McGillvray.

Total 1

Excused: None.

Total 0

Absent or not voting: Hoven, Sesso.

Total 2

HB 221 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: P. Beck, Ingraham, Regier.

Total 3

Excused: None.

Total 0

Absent or not voting: Sesso.

Total 1

ANNOUNCEMENTS

Mr. Speaker reminded the body that at 6:40 p.m. the gavel will fall and the Senate will enter the chambers at 7:00 p.m. He reminded the Representatives to clean their desks. Without objection the chambers will be cleared from 4:00 to 4:45 for a security sweep.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House stand at recess until 6:40 p.m. on this 20th legislative day, to convene in a joint session in order to receive the Governor's State of the State address.

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House Recessed at 1:57 p.m.

House convened at 6:40 p.m. Mr. Speaker in the Chair. Roll Call. All members present. Quorum present.

Sgt-at-Arms Tensley notified the Speaker that honored guests of the House await entrance.

Mr. Speaker directed Sgt-at-Arms Tensley to escort the honored guests to the well of the House.

MOTIONS

Rep. Campbell moved that the House recess and await the Senate for the Governor's State of the State Address. Upon adjournment of the joint session, the House will adjourn until 1:00 p.m., Thursday, January 29, 2009. Motion carried.

Sergeant-at-Arms Tensley notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Bergren requested Sergeant-at-Arms Tensley to admit the Honorable Senate into the House chamber. Speaker Bergren introduced Senate President Story and yielded the chair to him.

Sen. McGee moved that the body resolve itself into a joint session for the purpose of receiving the State of the State address from the Honorable Governor of Montana, Brian Schweitzer. Motion carried.

President Story asked the members to stand for the posting of the colors by the members of the Montana National Guard.

President Story introduced students from schools in Helena: Quincy Bjornberg, Mariah Gladstone, Sara Macdiarmid, Bowen Simpson, Sierra Simpson, Koltin Tanniehill, Kenzie Tanniehill and Kasstidy Tanniehill led by Indian Education Coach Joe Anderson, dressed in contemporary and traditional regalia to lead the Pledge of Allegiance.

Invocation by Bishop Thomas.

Sen. McGee moved the President be authorized to appoint a committee of four to notify Governor Schweitzer that the body is in joint session and ready to receive his address. Motion carried.

Senator President Story appointed Senator Laible, Senator Stewart-Peregoy, Representative Reichner, and Representative McClafferty to escort Governor Schweitzer into the House Chamber.

Sgt.-at-Arms Clark announced that his excellence, Governor Brian Schweitzer, waits entrance to the House. The committee escorted Governor Schweitzer into the chambers.

President Story directed Sgt.-at-Arms Clark to please admit the Governor.

Senate President Story introduced Governor Schweitzer to the joint session.
Governor Schweitzer made the following remarks:

Mr. President, Mr. Speaker, my fellow Montanans.

It is my honor to address the 61st assembly of the Montana Legislature or as Yogi Berra said, "I want to thank everybody for making this day necessary."

First and foremost, I would like to thank my best friend for, as of last week 27 years, my business partner, my wife, the mother of our children, Nancy Schweitzer.

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And I'd like to introduce another woman important in my life. This woman is the daughter of Irish immigrants from the Hi-Line. They came, if you care, from Tyrone and from Donegal, my mother, Kathleen McKiernan Schweitzer.

And now, my friend, your Lieutenant Governor John and Karen Bohlinger. Thank you, John Bohlinger. Five years ago John and I came together with the simple proposition that we could accomplish more in Montana with a Republican and a Democrat working together in the executive office. Thanks for taking this journey for Montana, thank you, John Bohlinger.

And the Chief Justice of the Supreme Court and other members of the Supreme Court are here. Please stand. Please stand and be acknowledged.

And we have elected Tribal Leaders that are here today. Welcome the first Montanans to the most important place in Montana, these hallowed House chambers. Please stand, elected Tribal Members. Thank you. Thank you for being partners, thank you for being partners of Montana.

And if I may, I would ask President Story, Speaker Bergren, Minority (Leaders) Williams and Sales, to please stand, and with them all of the leaders of this body. Please stand, and let's give them a round of applause.

Since we met together last in this body, we've lost some extraordinary Montanans and first I want to mention my friend, your colleague, a man that was taken in his prime. I would like you to remember George Groesbeck.

I'd also like you to remember a former Lieutenant Governor by the name of Lieutenant Governor George Turman. George Turman, not unlike John Bohlinger, was a man who put Montana in front of his party; an extraordinary man.

And just recently, the wife of one of our greatest United States Senators, Donna Metcalf passed.

Also, during the last two years, two extraordinary men, who served to protect our highways, both gave their life while on duty in the Flathead. I'd like you to remember two highway patrolmen, Evan Schneider and David Graham.

In my pocket, I carry the names of the 35 men who have given their whole during this conflict in the Middle East. Today, we got word that one more extraordinary man, a Marine from Forsyth by the name of Trevor Johnson, has given his all. Please remember, in your heart, these men who have given all, and never forget their families. Never forget their sacrifice.

Montana is a land for the optimistic. For 400 generations and beyond, the first Montanans endured those tough winters knowing that surely spring would come, the snow would melt and the rivers would be renewed and refreshed again, the prairies would blossom, the buffalo and elk would be fat, and they, indeed, would be the bounty of the land.

And later, the miners came with just a pick and high hopes that around the next bend, or up the next gulch, or perhaps at the side of the mountain, they too would strike it rich.

And then the homesteaders, who planted the wheat in the spring with a prayer and harvested that crop with thanksgiving to God in the fall.

Members of this esteemed Legislature, we share a common history. Let us share a common sense of opportunity. We can accomplish more working together to build than we can tearing each other down.

The time is now for action, the families of Montana deserve nothing less. I urge you to move forward to escape the failures of the 60th Legislative Assembly, because as Benjamin Franklin said, "You may delay, but time will not."

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In 1916, a Democratic Governor of Montana, working with a Democratic President in Washington D.C., Woodrow Wilson, decided that it would be appropriate to encourage the citizens of Montana, and then later the people of this country to help spy on one another, and we passed the Sedition Act first in Montana.

We have a little experience with these ideas, and that's why I am so proud of this Legislative Assembly in 2005, when you wrote a letter to Washington, D.C., and asked them to repeal the Patriot Act, because it is not an American value for neighbors to spy on neighbors.

I would like to identify the leaders in this body who led in that effort. Representative Campbell, please stand, Representative Villa, Representative Wiseman, please stand, Senator Kaufmann, Senator Shockley, please stand, and Senator Cooney please stand for leading in this effort. Thank you very much, you are the patriots.

Thank you.

And in 2007, when the federal government was on the verge of requiring everyone in America to carry one of their cards so they could identify when you got on plane, where you went, how you got off, if you walked into a federal building, to track all of the movement of all American citizens. It was this body in 2007 that said no thank you to the real ID.

I would like Representative Sales to please stand, Representative Villa and Wiseman, please stand, and Senator Williams and Cooney, thank you for leading in this effort. Please stand. Thank you very much.

We now know that this so-called Patriot Act was used to spy on folks who were just political adversaries. History will not judge these last six years kindly, but that same history will recognize that it was the Montana Legislature that stood up. You were the real patriots. Thank you and God bless each and every one of you.

Together, working together, we've had a remarkable 4 years. In the last 4 years Montanans have created more new jobs with the highest wages in the history of Montana. We've diversified the economy and brought new industries to Montana. We've invested more new money in education, K-12 and higher education, than any time in history, and yes, Carol Williams, we now pay for full-time, all-day kindergarten in every single school in Montana.

And you've invested in a scholarship program so that the best and brightest from every community can afford to go to college. We've cut more taxes for more Montanans than any time in history, including a \$400 check to every homeowner.

Now, most states enter these uncertain times with big deficits, but because of your fiscal management, we have created the largest budget surpluses in the history of Montana. Thank you very much.

And we've attracted companies to come to Montana from all over America, indeed all over the world; from Australia, from Ireland, from Spain, from Germany, and Canada, and beyond.

Five years ago, just five years ago, Montana was increasing the members in our correction system at nearly the fastest rate in the nation, but this body recognized that more than 50% of the people in our correction system had a mental illness that we weren't treating, or more than 90% of the people in our correction system had a drug or alcohol addiction that we weren't treating. So this body began to reform the correction system in Montana, and we are now treating those who have a mental illness, who have a drug or alcohol addiction. According to the Pew Research Foundation, Montana is decreasing our correction population at the fastest rate in America. Thank you for your leadership.

Montana is dead center in the most important energy corridor on the planet, that corridor that runs from Fort

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McMurray, Alberta to Port Arthur, Texas. Montana, this is our time in history. I would like to thank this Legislature, because in 2005, you passed a renewable portfolio standard that attracted wind energy investors from around the country. And you followed that piece of legislation in 2007 with the Clean and Green Initiative that lowered the property taxes for people who wanted to build energy projects in Montana; and boy howdy, are they coming to Montana.

Now, there were those who doubted Montana's energy potential, but Montana is the land for optimists and so in the last 4 years, Montana has increased our oil production by 38%. That is greater than any other state in the Union; in fact, only five states have increased their oil production: Alaska, Texas, Louisiana, all decreasing oil production, and Montana's gas production is also up 34%. And optimists have come to Montana to open the first new coal mine, Signal Peak, near Roundup, for the first time in 20 years. Welcome to Montana, you optimists.

And the optimists have harnessed the wind in Montana, and during the last four years Montana has increased our wind energy portfolio at the fastest rate in the nation and I must add at the end, that an optimist from Australia has come to Montana and has partnered with the Crow Nation to build the nation's first large-scale coal-to-liquid plant called the "Many Stars Program." Welcome to Montana, you new optimists, and thank God the Crow Nation has found a partner from Australia.

Montana has taken the lead, because we need to create a new energy system, one designed by American engineers, built by American workers, that is cleaner, greener, lower carbon footprint and breaks our addiction to those petrodictators once and for all. And Montana has taken the lead.

A few years ago, I sat down with my father. He's 87 years old, the son of Montana homesteaders from the Ukraine, and I said to Dad, "What was the greatest change in your life when rural electrification came to the farm?" He considered the question for a bit, and then he said, "Well the greatest change, and it came in 1948, was that when rural electrification arrived at the farm we could weld at a little hotter temperature."

They'd had a wind charger on the farm since 1928 with batteries in the basement. Eighty years ago America had diversified, clean, green electricity with batteries in the basement in Kansas and Nebraska, in Iowa, in Minnesota, the Dakotas, in Montana, and today we are trying to find our way back.

I want to tell a story of two extraordinary members of this body, two members of this body who come from completely different places. One is a farmer, the other is a University professor. One is a Republican, one is a Democrat. But before the last legislative session they knew, both of them knew, to attract business to Montana, new alternative energy businesses to Montana, we needed to adjust our property tax rates so that we could attract these companies.

So these two men, one farmer, Llew Jones - Llew stand up, please stand up - and one professor, Ron Erickson - please stand up, Senator Erickson. Together they started an uncertain journey. That journey was to convince this body to change the tax code to attract these new companies to come to Montana. We had companies from around the world that testified and said, "If you change these laws, we will choose Montana, not Washington, not Idaho, not Wyoming, not North Dakota. We will choose Montana."

These two guys just couldn't stop thinking about tomorrow. They couldn't stop thinking about these jobs they would create for their children and grandchildren. So they wouldn't give up and one time, after another time, and a third time when the Senate rejected their idea, they would not stop thinking about tomorrow. They would not give up, and it was in the special session that these two extraordinary men were able to accomplish this extraordinary feat. We passed the legislation, and now in Llew Jones' district nearly a billion dollars worth of investment of transmission lines and wind energy is on its way. Thank you very much for believing in the future, and thank you for not giving up.

Eighteen states are taking action in America today - our competition, our coal competition from across the country.

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Wyoming's already passed a bill. Kansas, Oklahoma, Utah, Washington and another 12 states are in the process of passing a carbon sequestration bill. You see, the companies who build these coal-gasification plants now have technology to remove the carbon dioxide from the other gases, and the carbon dioxide as a pure stream can be pumped back into the earth.

Now in Wyoming, and in other states, 17, who are either passing or have passed this legislation, they recognize that coal-gasification companies will not come to your state until you create an ownership mechanism for that void space under the earth. There is no law that tells us who owns that land under the earth today. So, that man who can't stop thinking about tomorrow, Senator Erickson, is back at it again with Senate Bill 66. He has brought this before the Energy Committee, and he suggested to them that we ought to join other states and we cannot allow Wyoming to be ahead of us. Wyoming has now passed the legislation. They're attracting the companies to come because there is certainty in ownership of those void spaces.

Senator, don't give up. And I ask the six Republican Senators who tabled this bill, please reconsider, be part of the future. Don't stop thinking about tomorrow. We need this bill passed, to be able to compete in the energy world.

Tomorrow Premier Wall of Saskatchewan is flying down to meet with me to discuss CO2. For the last half dozen years, the coal-gasification plant in Beulah, North Dakota has been capturing CO2 and piping it to the oil fields of Saskatchewan, where they pump it back into the earth and enhance their oil production. He would like to talk to us about cross-province and state ideas of sequestering that CO2, because Premier Wall knows what many of the geologists in Montana know today - that maybe as valuable as the 120 billion tons of coal we have in Montana, is the extraordinary geologic formations that we have for storing CO2. Just three formations - the Porcupine Dome north of Forsyth, the Bowdoin in Northeast Montana, and the Kevin Dome in the Golden Triangle - just these three formations could store nearly 250 years of all of the CO2 that is produced by all of the coal plants in Montana today. And we have just scratched the surface in identifying these geologic structures. So please act quickly, act prudently, and don't stop thinking about tomorrow.

Montana's state budget is much better than nearly every other state in the Union. This international credit crisis did not start in Montana, nor will it end in Montana. The nature of Montana's economy shelters us from these irrational highs and the conservative fiscal management that we have in Montana will keep us from the deepest doldrums.

But nevertheless, these are serious times and it requires thoughtful leadership. I know it's hard for the families who have lost a job recently. I know they are tightening their budgets and then re-tightening their budgets, but there is help on the way.

We have created a rapid response team led by our Department of Health and Human Services and our Department of Labor, so that if you lost your job, we will get you to unemployment benefits; if you've lost your health insurance, we will get you health benefits; and if you want another job, we will help you find it. We will assist these workers who have experienced this personal downturn.

The federal stimulus package includes dollars to build transmission lines, and pipelines, and modernize our schools and to help take care of healthcare. Senator Baucus, as Chair of the Finance Committee, and Senator Tester on the Appropriations Committee, are helping to shape the stimulus package in a way that it works for Montana. In short, help is on the way, and Montana will remain optimistic like all of the generations before.

Now with all of this big talk of big federal dollars, some may be concerned about government accountability and transparency. Or, as Will Rogers said, "It's a good thing we don't get all the government we pay for." Well, I'm here to tell you, that we will protect the public's money. We will make government more efficient and we have already started. Montana state employees have agreed that for the next two years they will receive no increase in salary. Our state employees have already begun to lead.

We will assure that all of these dollars will be spent in an accountable and transparent way, and we will assure you

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that we will oversee our road-builders, our corrections officers, our healthcare workers, our school administrators and teachers, our universities, including the 170 million dollars of research funds with little oversight. And in return, the public can be assured that we will hold the members of this assembly, and myself, to the same high standard of accountability, of transparency, of efficiency, and of effectiveness.

Transparency begins with our own leaders fully disclosing any funds that they receive from any public sources such as salaries, or grants, consultancy fees, farm payments, grazing subsidies, state and federal leases, research grants, and retirement benefits accrued or received.

Now over the last four years, as you know, we didn't raise taxes; we were cutting taxes. And today, almost everybody in Montana knows that there is a re-appraisal of the property tax across Montana. We have committed that, on the basis of this re-appraisal, not one new dollar will be collected by the State of Montana. Not one new dollar.

In 2005 and 2007, we worked on the business equipment tax. We were hoping to eliminate the business equipment tax for 90% of the business in Montana, virtually every farm and ranch, and every small business. I would ask, you, the members of this 61st Assembly, to please finish the job and please eliminate the business equipment tax for 90% of the businesses in Montana.

In the recent election, Montana spoke and they spoke strongly. They told us that they believe that we ought to cover more children in the Child Health Insurance Program. By overwhelming numbers Montana voted to invest in the future by investing in children's health. I call on this body to follow Representative Chuck Hunter, and House Bill 157 - invest the money that the people of Montana have asked you, do it without dispatch. Thank you very much.

In 1985, this body passed a stream access bill. Now, during the last 20 years, the ball has bounced back and forth and forth and back and many legislative assemblies have attempted to get the balance just right. Well, Representative Kendall Van Dyk, please stand. Kendall, has brought forward a compromise, one that Republicans and Democrats alike are supporting.

I would like Kendal Van Dyk to be recognized as a man who was able to bring Montana together, bringing Republicans and Democrats together for a common cause. The families of Montana who like to hunt, camp, and fish are expecting you to finish this job, and the lobbyists who represent the out-of-state landowners, and the anti-fishing and hunting groups, will not fool the 61st Assembly of the Montana Legislature. Thank you very much, Kendall.

There is nothing as important as education in Montana. We do have one of the best K-12 systems in America as rated against the other states, but we're still behind Canada, and Taiwan, and Finland, and Singapore, and another two dozen countries around the world. We will continue to be a leader in energy, only if we are a leader in education.

I would like to honor a very special person today. This is a man who was trained as a geologist and engineer. He worked 25 years as a geologist, and then he said, "I want to change the world as an educator, not just as an engineer." And so he started taking credits online at the Western Governors University, and he accumulated enough credits to become a teacher. And now, he is a science teacher at Fairfield School. Ray Hahn, would you please stand. Please stand. Let's honor this scientist, who decided he wanted to give back. And could I ask every educator present today, would you please stand and be recognized by this body? Please stand if you are an educator. God bless you. You are the future.

Education innovation includes distance learning, as Ray found out. We need to push our universities to offer more distance learning courses, to stream those classes into the homes and the high schools of Montana, so that every high school student can take classes at the university level at the same time that they're getting credit at the high school level. We need to have a rapid ability to train, and re-train Montanans for these emerging jobs, and that means innovation in education, and we need to move now.

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Now, I know, as I look across this body, faces of Republican legislators, and faces of Democratic legislators. I remember during the campaign cycles, both Republicans and Democrats saying if elected, they would do their level best to raise teachers' salaries.

Furthermore, we heard many people say that we ought to have a tax system that is more similar to Wyoming's, where when they drill for oil and collect that oil, some of that money is directly used to pay higher teachers' salaries. I have been listening to you, I've been listening to Montana, and once again, Kendall Van Dyk has been listening, and he's proposed a bill, House Bill 388, which he calls "Energy for Education" or "E2."

Simply stated, these dollars from oil production would be used directly to increase teachers' salaries, but Montana would continue to maintain an oil tax rate that is lower than Wyoming. What could be better than that? Lower oil taxes, higher teachers' salaries.

For all of you who've told the folks back home that you support higher teachers' salaries, I think it is time to turn those promises into action. And if I were you, I would see Kendall Van Dyk and become a co-sponsor of his bill tomorrow morning.

We do have some difficult decisions to make together. These decisions aren't just about money; they're about people and families. Let us resolve to never forget who we work for. We work for the farmer, the miner, the single mom with a disabled child, the small businessman, the truck driver.

And to help us remember our common hope and optimism, I want to close with these words that have been spoken by others, "The real test of government is how that government treats those who are in the dawn of life...our children...how that government treats those who are in the twilight of life...the elderly...and how that government treats those who are in the shadows of life...the disabled...the handicapped...the sick."

Members of the 61st Assembly, we will be judged by our actions, not by our words.

Thank you. God bless you. God bless Montana, and God bless America.

President Story thanked the Governor for his State of the State Address.

Bishop Thomas gave the benediction.

President Story directed the select committee to escort Governor Schweitzer and the other honorable members from the joint session.

Sen. McGee moved that the joint session of the 61st Legislature be adjourned. Motion carried.

House adjourned at 7:44 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
TWENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
January 29, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Pease-Lopez. Pledge of Allegiance to the Flag.

Roll Call. All members present. Except for Rep. Stahl who was excused. Quorum present.

Rep. Brown requested that her cosponsor sheet be returned.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):
HB 263, introduced bill, be amended as follows:

1/29/2009

1. Title, line 5 through line 6.

Following: "TREATMENT" on line 5

Strike: "; PROVIDING" on line 5 through "MCA" on line 6

2. Page 1, line 10 through page 2, line 17.

Strike: Section 1 in its entirety

Renumber: subsequent sections

3. Page 2, line 26.

Strike: "-- limitations"

4. Page 2, line 19.

Strike: "[Sections 2 through 4]"

Insert: "[Sections 1 through 3]"

5. Page 2, line 22.

Strike: "[sections 2 through 4]"

Insert: "[sections 1 through 3]"

6. Page 2, line 28.

Following: "agent with"

Strike: "the"

Insert: "its"

7. Page 2, line 30.

Following: "recommended"

Strike: "to or referred"

Following: "receive."

Insert: "The estimate must be provided at the time the service is scheduled or within 10 business days of the patient's or agent's request."

8. Page 3, line 1 through page 4, line 10.

Strike: subsections (2)through (4) in their entirety

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Renumber: subsequent subsections

9. Page 4, line 16.

Following: "amount"

Insert: "or will account for unforeseen conditions"

10. Page 4, line 18.

Strike: "[Sections 2 through 4]"

Insert: "[Sections 1 through 3]"

11. Page 4, line 19 through line 20.

Following: "apply to" on page 4, line 19

Strike: "[sections" on page 4, line 19 through "4]" on page 4, line 20

Insert: "[sections 1 through 3]"

And, as amended, do pass. Report adopted.

HB 264, introduced bill, be amended as follows:

1. Title, line 6.

Following: "SERVICES;"

Strike: "PROVIDING DEFINITIONS;"

2. Title, line 7.

Following: "33-22-244"

Strike: ", "

Insert: "AND"

Following: "33-22-521,"

Strike: "AND 50-4-504,"

3. Page 3, line 13 through page 4, line 26.

Strike: Section 3 in its entirety

Renumber: subsequent sections

4. Page 4, line 28.

Strike: "4 through 6"

Insert: "3 through 5"

5. Page 5, line 1.

Strike: "4 through 6"

Insert: "3 through 5"

6. Page 5, line 9 through line 27.

Following: "\$500." on line 9

Strike: "The" line 9 through "insurer." on line 27

7. Page 5, line 30.

Following: ". "

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Insert: "The health insurer is only required to provide information under this section based upon cost estimates and procedure codes obtained by the insured from the insured's health care provider."

8. Page 6, line 1.

Strike: "4 through 6"

Insert: "3 through 5"

9. Page 6, line 4.

Strike: "4 through 6"

Insert: "3 through 5"

And, as amended, do pass. Report adopted.

HB 283, do pass. Report adopted.

HB 326, do pass. Report adopted.

HUMAN SERVICES (Becker, Chairman):

1/29/2009

HB 214, do pass. Report adopted.

JUDICIARY (Stoker, Chairman):

1/29/2009

HB 131, do pass. Report adopted.

HB 132, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

1/29/2009

HB 109, do pass. Report adopted.

HB 197, introduced bill, be amended as follows:

1. Page 2, line 3 through line 4.

Strike: "If" on line 3 through " " on line 4

Insert: "If a recall petition is for a county commissioner in a county that is divided into commissioner districts pursuant to 7-4-2102, then at least 15% of the signatures must be from qualified electors residing in that commissioner's commission district."

And, as amended, do pass. Report adopted.

HB 289, do pass. Report adopted.

SB 7, be concurred in. Report adopted.

TAXATION (Lake, Chairman):

1/29/2009

HB 163, do pass. Report adopted.

HB 185, introduced bill, be amended as follows:

1. Page 3, line 12.

Strike: ", as defined in 15-62-103, of a designated beneficiary"

2. Page 5, line 23.

Strike: ", as defined in 15-62-103, including an account owner of different state's plan,"

And, as amended, do pass. Report adopted.

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HB 259, do pass. Report adopted.

SB 48, as amended, be concurred in. Report adopted.

1. Page 4, line 20.

Strike: "market"

TRANSPORTATION (Sonju, Chairman):

1/29/2009

HB 371, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/29/2009

SB 65, introduced by Hawks

SB 79, introduced by Juneau

SB 82, introduced by Steinbeisser

SB 135, introduced by Larsen

SB 176, introduced by Perry

SB 226, introduced by Hawks

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 389, introduced by Taylor, referred to State Administration.

HB 390, introduced by Reinhart, Arntzen, Ebinger, French, Furey, Hamilton, Howard, More, Pomnichowski, Reinhart, Taylor, Warburton, Wilmer, Wilson, Getz, referred to Business and Labor.

HB 391, introduced by Roberts, referred to Business and Labor.

HB 392, introduced by Phillips, Augare, P. Beck, Belcourt, Boland, Boss Ribs, Campbell, Cohenour, Driscoll, Ebinger, Fleming, Furey, Grinde, Hamilton, Hands, Hiner, Hollenbaugh, MacDonald, Malek, McAlpin, McClafferty, Menahan, Villa, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Sesso, Van Dyk, Villa, Wilmer, Barrett, Keane referred to Federal Relations, Energy, and Telecommunications.

HB 393, introduced by Welborn, referred to State Administration.

HB 394, introduced by McAlpin, referred to Human Services.

HB 395, introduced by McAlpin, Erickson, Grinde, De. Barrett, A. Noonan, Cohenour, Roundstone, referred to Taxation.

HB 396, introduced by Wilson, Augare, Belcourt, Boland, Caferro, Fleming, French, Glaser, Henry, Hunter, Kottel, MacDonald, McAlpin, McChesney, McNutt, Reinhart, Roberts, Sands, Van Dyk, Villa, Wilmer, Wilson, Wiseman, referred to Business and Labor.

HB 397, introduced by Kottel, referred to Judiciary.

HB 398, introduced by Taylor, Gallus, Kottel, Sands, referred to State Administration.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 14, introduced by Warburton, Raiser, Hinkle, Hoven, Smith, Bean, O'Hara, Belcourt, Curtis, Randall, Berry, Nooney, Butcher, Stahl, K. Peterson, T. Brown, Taylor, MacLaren, Roundstone, Reichner, More, McNutt, McGillvray, Kerns, D. Brown, Hollandsworth, Boniek, Vance, Sonju, Washburn, Roberts referred to Judiciary.

The following Senate bills were introduced, read first time, and referred to committees:

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SB 65, introduced by Hawks, referred to Appropriations.
SB 79, introduced by Juneau, referred to Human Services.
SB 82, introduced by Steinbeisser, referred to Human Services.
SB 135, introduced by Larsen, referred to Business and Labor.
SB 176, introduced by Perry, referred to Business and Labor.
SB 226, introduced by Hawks, referred to Human Services.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Peterson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 21 - Representative Dickenson moved **HB 21** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 77

Nays: Bennett, Berry, Blasdel, Boniek, Brown, Hawk, Hendrick, Himmelberger, Ingraham, Kasten, Kerns, Lake, McGillvray, Miller, More, Peterson, Randall, Regier, Sales, Smith, Stoker, Wagner, Warburton.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 30 - Representative Wilmer moved **HB 30** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 61

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Hollandsworth, Howard, Jones, Kasten, Kerns, Lake, MacLaren, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

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Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 118 - Representative Klock moved **HB 118** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Kerns, Sales, Washburn.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 242 - Representative McAlpin moved **HB 242** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 244 - Representative Ankney moved **HB 244** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Welborn, Wilmer, Wiseman, Mr. Speaker.
Total 83

Nays: B. Beck, Brown, Butcher, Hawk, Himmelberger, Lake, MacDonald, Mehlhoff, Mendenhall, Miller, O'Hara, Pease-Lopez, Stoker, Warburton, Washburn, Wilson.
Total 16

Excused: None.
Total 0

Absent or not voting: Blasdel.
Total 1

HB 245 - Representative Ankney moved **HB 245** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Peterson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner,

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Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Hawk, Lake, Mendenhall.

Total 3

Excused: Stahl.

Total 1

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 40 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Stahl.

Total 1

Absent or not voting: None.

Total 0

HB 59 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake,

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MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Randall, Sales.

Total 2

Excused: Stahl.

Total 1

Absent or not voting: Blasdel.

Total 1

HB 147 passed as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Sonju, Steenson, Stoker, Van Dyk, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 63

Nays: Ankney, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Getz, Hawk, Howard, Ingraham, Kasten, Kerns, MacDonald, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Taylor, Vance, Villa, Vincent, Wagner, Washburn, Welborn.

Total 36

Excused: Stahl.

Total 1

Absent or not voting: None.

Total 0

HB 238 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Butcher, Kasten, Kerns, Mendenhall, Morgan, Peterson, Sales, Stoker, Wagner.

Total 9

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Excused: Stahl.
Total 1

Absent or not voting: None.
Total 0

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned names be **DELETED** as sponsors to **HB 351** Motion carried.

HB 351 (Warburton Chief Sponsor)
Senator Hansen.

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HB 157** Motion carried.

HB 157 (Hunter Chief Sponsor)
Representatives Augare, P. Beck, Becker, Belcourt, Bergren, Caferro, Campbell, French, Henry, Hollenbaugh, Kottel, McChesney, Phillips, Roberts, Roundstone, Sands, Van Dyk, Villa, Wilmer, Wiseman. Senators Cooney, Erickson, Gillan, Larsen, Laslovich, Schmidt, Wanzenried, Williams.

ANNOUNCEMENTS

Rep. Stoker 6:30 - 8:00 p.m. at the Holter Museum please come to a sneak preview of the next show.

Rep. Vincent announced that Secretary of State is holding a ceremony at 11:30 - 1:00 to honor a constituent artist.

Rep. Sands addressed the body to thank them for their contributions for

Rep. Cohenour basket ball practice will be at the armory at 8:00 p.m. tonight.

Rep. Augare announced a reception tonight at the Great Northern Hotel.

Rep. Wilson announced a reception with the MT Brewers association tonight.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Friday, January 30, 2009. Motion carried.

House adjourned at 1:54 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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61ST LEGISLATURE
TWENTY-SECOND LEGISLATIVE DAY**

Helena, Montana
January 30, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. French. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker thanked the pages for the week.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 21 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: Bennett, Berry, Boniek, Brown, Hawk, Hoven, Ingraham, Kerns, Lake, McGillvray, Miller, Peterson, Randall, Regier, Smith, Stoker, Warburton.

Total 17

Excused: None.

Total 0

Absent or not voting: Kasten, Sales.

Total 2

HB 30 passed as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wagner, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 58

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Jones, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Warburton, Washburn.

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Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 118 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Boniek, Kerns.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 242 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 244 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Menahan, Milburn, More, A. Noonan, P. Noonan, Nooney, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 84

Nays: Brown, Butcher, Hawk, Himmelberger, Lake, MacDonald, Mehlhoff, Mendenhall, Miller, Morgan, O'Hara, Pease-Lopez, Peterson, Wagner, Warburton, Washburn.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 245 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):

1/30/2009

HB 41, do pass. Report adopted.

HB 104, do pass. Report adopted.

HB 157, introduced bill, be amended as follows:

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1. Page 2, line 6.

Strike: "or"

Following: line 6

Insert: "(c) parental preference; or"

Renumber: subsequent subsection

2. Page 2, line 12.

Strike: "may"

Insert: "shall"

3. Page 2, line 22.

Strike: "\$1,307,660"

Insert: "\$900,989"

4. Page 2, line 23.

Strike: "\$3,103,944"

Insert: "\$1,702,418"

And, as amended, do pass. Report adopted.

HJR 8, introduced joint resolution, be amended as follows:

1. Title, page 1, lines 5 and 6.

Following: "MONTANA"

Strike: "EXPANDING" through "OFFICES OF" on line 6

Insert: "ENDORISING THE OPPORTUNITY PROVIDED BY RICHLAND COUNTY TO CREATE A
COMBINED FACILITY FOR"

2. Title, page 1, line 6.

Following: "EXTENSION OFFICE"

Strike: "WITH"

Insert: "AND THE MONTANA STATE UNIVERSITY MONTANA AGRICULTURAL EXPERIMENT
STATION AT"

3. Title, page 1, line 7.

Following: "CENTER"

Insert: ", SIDNEY, MONTANA"

4. Page 1, line 9.

Strike: line 9 through line 14

Insert: "WHEREAS, the 60th Legislature provided long-range building program appropriations and authorizations
to the Montana Agricultural Experiment Station (MAES) for statewide facility improvements, including the
MAES Eastern Agricultural Research Center; and

WHEREAS, the Richland County Commissioners have concluded that the local community and the region
would be best served by joining the functions and facilities of the Richland County Extension Office with the MAES
Eastern Agricultural Research Center; and

WHEREAS, the State of Montana can provide a land lease to Richland County through existing authorities
and procedures with the Montana Board of Regents or the State Land Board, or both; and

WHEREAS, the Richland County Commissioners have agreed to provide all financial resources necessary

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to fund the construction, operation, and maintenance of the Richland County Extension Service, including offices, support rooms, a large meeting room, and shared lobby space, connected to the research facility."

5. Page 1, line 18.

Strike: line 18 through line 20

Insert: "(1) That the combined MAES Eastern Agricultural Research Center and Richland County Extension Office would serve to provide enhanced efficiencies and improved research and education opportunities for eastern Montana and the citizens of Montana; and"

And, as amended, be adopted. Report adopted.

HJR 12, do pass. Report adopted.

SB 2, be concurred in. Report adopted.

SB 29, be concurred in. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman): 1/30/2009

HB 207, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "20"

Insert: "25"

2. Page 1, line 26.

Strike: "20"

Insert: "25"

And, as amended, do pass. Report adopted.

HB 294, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: "resources"

Insert: "on [the effective date of this act]"

2. Page 2, line 28.

Following: "resources."

Insert: "(1)"

3. Page 2, line 30.

Strike: "(1)"

Insert: "(a)"

4. Page 3, line 2.

Strike: "(2)"

Insert: "(b)"

5. Page 3.

Following: line 3

Insert: "(2) Natural gas production and gathering assets cost of service may not be allocated to a customer being

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served by an alternative natural gas supplier."

And, as amended, do pass. Report adopted.

JUDICIARY (Stoker, Chairman):

1/30/2009

HB 130, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "AN"

2. Title, page 1, line 9.

Strike: "DATE"

Insert: "DATES"

3. Page 2, line 8.

Following: "grant"

Insert: "through each service area authority, as defined in 53-21-1001,"

4. Page 2, line 12.

Strike: "50%"

Insert: "75%"

5. Page 2, line 29.

Following: "shall"

Insert: "administer the grant program through the service area authorities and"

Following: "rules"

Insert: "by July 1, 2009,"

6. Page 2, line 30.

Following: "expenses"

Insert: ", subject to subsection (4)"

7. Page 3, lines 1 and 2.

Strike: subsection (4) in its entirety

Insert: "(4) Eligible expenses under this section must include:

(a) insurance premiums paid by a county pursuant to subsection (2)(c);

(b) crisis intervention team training and operations paid by a county;

(c) precommitment costs paid by the county pursuant to 53-21-132; and

(d) county expenditures for mental health services in detention centers.

8. Page 3, line 6.

Strike: "\$615,937"

Insert: "\$1,250,000"

9. Page 3, line 7.

Strike: "\$615,937"

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Insert: "\$1,250,000"

10. Page 3, line 22 and 23.

Strike: "date. [This"

Insert: "dates. (1) Except as provided in subsection (2), [this"

Following: line 22

Insert: "(2) [Section 1(3) and this section] are effective on passage and approval."

And, as amended, do pass. Report adopted..

HB 228, introduced bill, be amended as follows:

1. Page 1, line 21.

Strike: "5"

Insert: "4"

2. Page 1, line 29.

Following: "firearm"

Insert: "to a person other than an identified peace officer"

3. Page 2, lines 17 through page 3, line 24.

Strike: sections 5 and 6 in their entirety

Renumber: subsequent sections

4. Page 4, lines 7 through 15.

Strike: section 9 in its entirety

Renumber: subsequent sections

5. Page 5, line 17.

Strike: "5"

Insert: "4"

6. Page 5, line 19.

Strike: "5"

Insert: "4"

7. Page 5, lines 20 and 21.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

8. Page 5, line 22.

Strike: "7"

Insert: "5"

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9. Page 5, line 23.

Strike: "7"

Insert: "5"

10. Page 5, line 24.

Strike: "8"

Insert: "6"

11. Page 5, line 25.

Strike: "8"

Insert: "6"

12. Page 5, lines 26 and 27.

Strike: subsection (5) in its entirety

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

1/30/2009

HB 192, introduced bill, be amended as follows:

1. Page 1, line 25.

Strike: "a secrecy envelope,"

2. Page 1, line 27 through page 2, line 1.

Strike: ":", on page 1, line 27 through "(d)" on page 2, line 1

3. Page 2, line 1.

Following: "the"

Insert: "ballot and"

Strike: "it"

Insert: "the ballot in the return envelope"

4. Page 2, line 2.

Following: "paid,"

Insert: "or by sending the ballot by facsimile transmission"

Following: "state."

Insert: "A legislator may not change the legislator's vote after the ballot is received by the secretary of state."

5. Page 2, line 3 through line 4.

Strike: "and" on line 3 through "time" on line 4

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And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/30/2009

SB 9, introduced by Erickson
SB 76, introduced by Black
SB 121, introduced by Jent
SB 136, introduced by Gebhardt
SB 158, introduced by McGee
SB 209, introduced by Laslovich

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 399, introduced by Furey, Kaufmann, Morgan, referred to Human Services.
HB 400, introduced by Kottel, Augare, P. Beck, Boss Ribs, Driscoll, Hamilton, Hendrick, Henry, Hiner, Hunter, Jones, Kottel, MacDonald, Morgan, P. Noonan, Nooney, Sesso, Taylor, A. Noonan, MacLaren, Miller, referred to Business and Labor.
HB 401, introduced by Caferro, referred to Judiciary.
HB 402, introduced by French, referred to Natural Resources.
HB 403, introduced by Kottel, referred to Judiciary.

The following Senate bills were introduced, read first time, and referred to committees:

SB 9, introduced by Erickson, referred to Local Government.
SB 76, introduced by Black, referred to Natural Resources.
SB 121, introduced by Jent, referred to Judiciary.
SB 136, introduced by Gebhardt, referred to Natural Resources.
SB 158, introduced by McGee, referred to Judiciary.
SB 209, introduced by Laslovich, referred to Judiciary.

Rep. Phillips announced that the Democrats will caucus in Rm. 152.
Mr. Speaker announced that the House will recess for 10 min. at 1:11 p.m.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative MacDonald in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 55 - Representative Hawk moved **HB 55** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde,

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Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 91

Nays: Becker, Bennett, Caferro, Dickenson, Hamilton, Kerns, Sands, Wagner, Wiseman.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 98 - Representative Di. Barrett moved **HB 98** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 79

Nays: Ankney, B. Beck, Bennett, Boniek, Grinde, Hawk, Kerns, Lake, McGillvray, Mendenhall, Milburn, More, Peterson, Randall, Sales, Smith, Stahl, Stoker, Taylor, Vance, Warburton.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 109 - Representative Hunter moved **HB 109** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Howard, Hunter, Ingraham, Jones, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 69

Nays: B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Hollenbaugh, Hoven, Jopek, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton.

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Total 30

Excused: None.

Total 0

Absent or not voting: Butcher.

Total 1

HB 114 - Representative Henry moved **HB 114** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss, Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 82

Nays: Ankney, Bennett, Boniek, Hawk, Kerns, Lake, McGillvray, McNutt, Miller, More, Peterson, Randall, Stahl, Stoker, Vincent, Wagner, Warburton, Welborn.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 133 - Representative Stoker moved **HB 133** do pass.

HB 133 - Representative Warburton moved **HB 133**, second reading copy, be amended as follows:

1. Page 11, line 30.

Following: ";"

Insert: "and"

2. Page 12, lines 5 and 6.

Strike: "; and" on line 5 through "rule" on line 6

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara,

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Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 51

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 133 - Representative Stoker moved **HB 133** as amended do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson.

Total 76

Nays: Augare, Boniek, Hamilton, Hands, Henry, Hollenbaugh, Howard, Jopek, Kottel, MacDonald, A. Noonan, P. Noonan, Phillips, Pomnichowski, Randall, Sales, Sesso, Smith, Steenson, Van Dyk, Villa, Wilmer, Wiseman, Mr. Speaker.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Mr. Speaker objected to the amendment vote for **HB 133** because representative O'Hara was not present but voted.

Rep. Glaser called a Point of Order and noted that you must suspend the rules in order to object at this point.

Mr. Speaker asked to stand at ease for 5 minutes. The House stood at ease for 5 minutes.

Chairwoman Campbell called the House to order.

Mr. Speaker withdrew his objection.

Rep. Campbell moved to pass consideration on **HB 163** for the day. Motion carried.

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HB 193 - Representative Augare moved **HB 193** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 82

Nays: Bennett, Berry, Boniek, Butcher, Hawk, Howard, Kerns, Lake, More, Peterson, Randall, Regier, Roberts, Sales, Stahl, Vincent, Wagner, Warburton.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 195 - Representative Hamilton moved **HB 195** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 98

Nays: McGillvray, Wiseman.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 259 - Representative Mendenhall moved **HB 259** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Klock, Kottel, Lake, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson,

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Wiseman.
Total 76

Nays: Augare, Barrett, Becker, Cohenour, Dickenson, Driscoll, Hands, Henry, Himmelberger, Hollandsworth, Jopek, Kerns, MacDonald, Malek, McAlpin, McClafferty, A. Noonan, P. Noonan, Pease-Lopez, Roundstone, Sesso, Villa, Wilmer, Mr. Speaker.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 283 - Representative Himmelberger moved **HB 283** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Boniek, Ingraham, Stahl, Wagner.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman MacDonald moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Hawk, McGillvray, Regier, Villa, Vincent.

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Total 5

Excused: None.

Total 0

Absent or not voting: Butcher, MacDonald.

Total 2

MOTIONS

Rep. Campbell moved that **HB 385** be moved from the Appropriations Committee to the Business and Labor Committee. Motion carried.

Rep. Campbell moved that **HB 259** be moved to the Appropriations Committee. Motion carried.

ANNOUNCEMENTS

Mr. Speaker announced that the W-2's should be in every members mailbox.

Mr. Speaker "I want to compliment the body for its restraint. As of the 20th legislative day we have introduced 401 bills and resolutions - on the 20th day last session 544 bills and resolutions had been introduced. That is a 26% decrease. The Senate has also seen a 20% decrease in the number of bills introduced.

There are more drafts on hold this session 923 compared to 831 last session and fewer total requests 2,306 as compared to 2,540 last session.

I am optimistic that the House will be able to get its work done in an orderly fashion. But that being said we are moving into the time period where we will have longer boards on second reading. We will work longer on Saturdays - tomorrow we will have a longer board on second reading.

I need committee chairs to look at the bills they have in committee and make sure you have time to get everything scheduled and executive action taken. Tuesday/Thursday committees only have six committee hearings left before transmittal. Monday/Wednesday/Friday committees only have nine hearing days left.

We are in good shape, but we need to continue to work hard to avoid long days and evenings in the week before transmittal."

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:00 a.m., Saturday, January 31, 2009. Motion carried.

House adjourned at 2:48 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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61ST LEGISLATURE
TWENTY-THIRD LEGISLATIVE DAY**

Helena, Montana
January 31, 2009

House Chambers
State Capitol

House convened at 8:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Lake. Pledge of Allegiance to the Flag.

Roll Call. All members present. Except for Representative Himmelberger, O'Hara, P. Beck, Hands and Ankney who were excused. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 55 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 92

Nays: Bennett, Caferro, Kerns, Sands, Wagner, Wiseman.

Total 6

Excused: Himmelberger, O'Hara.

Total 2

Absent or not voting: None.

Total 0

HB 98 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Vincent, Wagner, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 71

Nays: B. Beck, Bennett, Blasdel, Boniek, Brown, Hawk, Hendrick, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Peterson, Randall, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Warburton, Welborn.

Total 27

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Excused: Himmelberger, O'Hara.
Total 2

Absent or not voting: None.
Total 0

HB 109 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 66

Nays: B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hollenbaugh, Hoven, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.
Total 32

Excused: Himmelberger, O'Hara.
Total 2

Absent or not voting: None.
Total 0

HB 114 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 85

Nays: Bennett, Boniek, Hawk, Kerns, Lake, McGillvray, McNutt, More, Peterson, Randall, Stoker, Warburton, Welborn.
Total 13

Excused: Himmelberger, O'Hara.
Total 2

Absent or not voting: None.
Total 0

HB 193 passed as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 85

Nays: Berry, Boniek, Butcher, Hawk, Kerns, Lake, Peterson, Randall, Regier, Sales, Stoker.

Total 11

Excused: Himmelberger, O'Hara.

Total 2

Absent or not voting: Reichner, Wilson.

Total 2

HB 195 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 96

Nays: McGillvray, Wiseman.

Total 2

Excused: Himmelberger, O'Hara.

Total 2

Absent or not voting: None.

Total 0

HB 283 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

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Nays: None.
Total 0

Excused: Himmelberger, O'Hara.
Total 2

Absent or not voting: Caferro, Ebinger.
Total 2

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman): 1/31/2009
HB 123, do pass. Report adopted.

NATURAL RESOURCES (Milburn, Chairman): 1/31/2009
HB 44, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "PROVIDING AN"

Insert: "IMMEDIATE"

2. Page 1, line 23.

Strike: "coordinating agency status"

Insert: "coordination"

3. Page 1, line 24.

Strike: "shall"

Insert: "may"

4. Page 1, line 24 through line 25.

Strike: "coordinating agency status"

Insert: "coordination"

5. Page 2, line 5.

Strike: "July 1, 2009"

Insert: "on passage and approval"

And, as amended, do pass. Report adopted.

HB 84, introduced bill, be amended as follows:

1. Page 1, line 24.

Strike: "July"

Insert: "June"

Strike: "October"

Insert: "September"

2. Page 1, line 26.

Strike: "November 20"

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Insert: "October 20"

And, as amended, do pass. Report adopted.

HB 139, do pass. Report adopted.

HB 153, introduced bill, be amended as follows:

1. Page 2, line 27.

Strike: "60"

Insert: "30"

2. Page 3, line 14.

Strike: "any"

Insert: "either"

3. Page 3, line 19.

Strike: "any"

Insert: "either"

4. Page 3, line 25.

Strike: "any"

Insert: "either"

5. Page 4, line 11.

Strike: "reasonably unforeseeable"

6. Page 4, line 12.

Following: "cleanup plan that"

Insert: "were not identified in the environmental assessment component pursuant to subsection (1),"

Following: "environment"

Strike: "or"

Insert: ", and"

7. Page 4, line 15.

Strike: "unforeseen"

And, as amended, do pass. Report adopted.

HJR 1, introduced joint resolution, be amended as follows:

1. Page 2, line 2.

Strike: "and"

2. Page 2, line 4.

Following: "if any"

Insert: "; and"

(7) (a) evaluate the availability of the forest biomass resource in Montana from a biological, administrative, and economic standpoint; and

(b) evaluate available biomass resources against existing biomass consumption to determine the forest biomass balance

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And, as amended, be adopted. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/31/2009

SB 123, introduced by Squires
SB 170, introduced by Gebhardt
SB 173, introduced by Murphy
SB 219, introduced by Squires

Senate joint resolution passed and transmitted to the House for concurrence: 1/31/2009

SJR 5, introduced by Laible

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 404, introduced by Reinhart, De. Barrett, Belcourt, Ebinger, Hands, A. Noonan, referred to Business and Labor.
HB 405, introduced by Reinhart, De. Barrett, Dickenson, Ebinger, Hamilton, Hands, Hollenbaugh, MacDonald, Sesso, referred to Local Government.
HB 406, introduced by Reinhart, De. Barrett, Grinde, Hands, Hamilton, Cohenour, A. Noonan, Pomnichowski, Sesso, MacDonald, Ebinger, referred to Local Government.
HB 407, introduced by MacDonald, McClafferty, Malek, Campbell, Steenson, Grinde, Pomnichowski, Boss Ribs, Pease-Lopez, Hiner, McAlpin, Cohenour, Kottel, Driscoll, French, Caferro, Dickenson, Dickenson, Wilmer, Hands, Furey, Reinhart, Sands, Boland, Henry, referred to Judiciary.
HB 408, introduced by Pomnichowski, McAlpin, Hendrick, referred to Business and Labor.
HB 409, introduced by Pomnichowski, Hands, French, Henry, McAlpin, Becker, referred to Human Services.
HB 410, introduced by Pomnichowski, McAlpin, Reinhart, Sesso, referred to Local Government.
HB 411, introduced by McChesney, Getz, Ankney, referred to Natural Resources.
HB 412, introduced by Wiseman, Mendenhall, referred to Business and Labor.
HB 413, introduced by K. Peterson, Arntzen, Glaser, McGillvray, referred to Taxation.
HB 414, introduced by Bennett, Curtiss, Nooney, Reinhart, Vincent, referred to Appropriations.
HB 415, introduced by MacDonald, Getz, P. Beck, Jones, Brueggeman, Zinke, Black, referred to Agriculture.
HB 416, introduced by MacDonald, MacDonald, P. Beck, Berry, Brueggeman, referred to Agriculture.

The following House resolution was introduced, read first time, and referred to committee:

HR 2, introduced by McGillvray, referred to Judiciary.

The following Senate bills were introduced, read first time, and referred to committees:

SB 123, introduced by Squires, referred to State Administration.
SB 170, introduced by Gebhardt, referred to State Administration.
SB 173, introduced by Murphy, Mendenhall, referred to Education.
SB 219, introduced by Squires, referred to State Administration.

The following Senate joint resolution was introduced, read first time, and referred to committee:

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SJR 5, introduced by Laible, referred to Human Services.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Kerns in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 197 - Representative Ebinger moved **HB 197** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: B. Beck, Bennett, Blasdel, Hendrick, Hoven, Kasten, Kerns, Mendenhall, Miller, More, Randall, Regier, Sales, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 263 - Representative Smith moved **HB 263** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson.

Total 94

Nays: Kerns, Mendenhall, Villa, Wiseman, Mr. Speaker.

Total 5

Excused: None.

Total 0

Absent or not voting: Arntzen.

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Total 1

HB 264 - Representative Smith moved **HB 264** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 95

Nays: Caferro, Kerns, Mendenhall, Sales, Mr. Speaker.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 326 - Representative Mendenhall moved **HB 326** do pass. Motion carried as follows:

ey, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 96

Nays: Campbell, Kerns, Villa, Mr. Speaker.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 371 - Representative Cohenour moved **HB 371** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald,

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MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: B. Beck, McGillvray, Mendenhall, Miller, Peterson, Randall, Sales, Sonju, Wagner, Welborn.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 7 - Representative Brown moved **SB 7** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 85

Nays: B. Beck, Boniek, McGillvray, Mendenhall, Miller, More, Nooney, Randall, Regier, Sales, Vance, Vincent, Wagner, Warburton, Mr. Speaker.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 10 - Representative Stoker moved **SB 10** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 94

Nays: Boniek, Mendenhall, More, Sales, Wagner, Mr. Speaker.

Total 6

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 11 - Representative Lake moved **SB 11** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 99

Nays: Mr. Speaker.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Kerns moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 90

Nays: Mendenhall, Sales, Van Dyk, Vincent, Mr. Speaker.
Total 5

Excused: Ankney, P. Beck, Hands, Himmelberger, O'Hara.
Total 5

Absent or not voting: None.
Total 0

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MOTIONS

Rep. Campbell moved that **HB 289** be moved to the House State Administration Committee. Motion carried.

ANNOUNCEMENTS

Rep. Sands thanked everyone for their donations to Mr. Speaker

Representative Campbell moved that the House adjourn until 1:00 p.m., Monday, February 2, 2009. Motion carried.

House adjourned at 8:39 a.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
TWENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
February 2, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Driscoll. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker introduced the pages for the week: Melissa Barringer (Conrad), Patrick Certain (Miles City), Karlie Clark (Choteau), Leann Dorvall (Bridger), Cassie Hughes (East Helena), Shelby Schaffer (Helena), Julia Standley (Hobson).

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Milburn, Chairman):
HB 75, introduced bill, be amended as follows:

2/2/2009

1. Title, page 1, line 8 through line 10.
Strike: "ALLOWING" on line 8 through "ACCOUNT;" on line 10
2. Page 1, line 15 through line 16.
Strike: "-- lien" on line 15 through "costs" on line 16
3. Page 1, line 23.
Strike: subsection (c) in its entirety
Renumber: subsequent subsections
4. Page 2, line 6 through line 20.
Strike: subsection (4) in its entirety
Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

HJR 7, introduced joint resolution, be amended as follows:

1. Page 1, line 28.
Following: "welfare;"
Insert: "and"
2. Page 1, line 30.
Strike: "; and"
Insert: "."
3. Page 2, line 1 through line 2.
Strike: subsection (d) in its entirety

And, as amended, be adopted. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

2/2/2009

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HB 363, do pass. Report adopted.
SB 24, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/2/2009

SB 92, introduced by Jent
SB 189, introduced by Balyeat

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 417, introduced by Malek, Kerns, Henry, Vance, Pomnichowski, referred to Business and Labor.
HB 418, introduced by Butcher, Ankney, Bean, Belcourt, Berry, Butcher, Campbell, Hiner, Hoven, Jones, Kasten, Kerns, Klock, McChesney, Miller, More, Randall, Regier, Reichner, Roberts, Smith, Stahl, Vance, Vincert, Wagner, Warburton, Welborn, Bales, Barrett, T. Brown, Gebhardt, Hinkle, Murphy, Peterson, Ripley, Steinbeisser, Tutvedt, Windy Boy, Zinke referred to Agriculture.

HB 419, introduced by McGillvray, McGee, Howard, Reichner, referred to Judiciary.

HB 420, introduced by Reinhart, Erickson, Gallus, Pomnichowski, Sesso, Fleming, Wiseman, Kaufmann, Steenson, Hollenbaugh, Ebinger, Blewett, Boss Ribs, Driscoll, Boland, Furey, Becker, Malek, Grinde, Cohenour, Van Dyk, Sands, referred to Local Government.

HB 421, introduced by Mendenhall, Vance, Sales, referred to State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

SB 92, introduced by Jent, referred to Judiciary.

SB 189, introduced by Balyeat, referred to Business and Labor.

Rep. Phillips requested a Democratic caucus in room 152.

Rep. Sales said that the Republicans will stand at ease.

Mr. Speaker announced that the House would recess for 10 min. at 1:05 p.m.

Mr. Speaker called the House to Order at 1:19.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollenbaugh in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 41 - Representative Cohenour moved **HB 41** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan,

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Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Blasdel, Butcher, Howard, Kasten, Kerns, Mendenhall, Randall, Regier, Sales, Wagner.

Total 10

Excused: None.

Total 0

Absent or not voting: Arntzen, Sonju, Stahl.

Total 3

HB 104 - Representative French moved **HB 104** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Howard.

Total 1

Excused: None.

Total 0

Absent or not voting: Arntzen, Stahl.

Total 2

HB 157 - Representative Hunter moved **HB 157** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kasten, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 57

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 41

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Excused: None.
Total 0

Absent or not voting: Ankney, Jones.
Total 2

HB 163 - Representative Cohenour moved **HB 163** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hiner, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 57

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Caferro, French, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hoven, Howard, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.
Total 43

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Rep. Campbell moved to pass consideration on **HB 185** for the day. Motion carried.

HB 207 - Representative Klock moved **HB 207** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: Washburn.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 214 - Representative MacDonald moved **HB 214** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Blasdel, Howard, Kasten, Kerns, McGillvray, Mendenhall, Regier, Sales, Stahl.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 8 - Representative Kasten moved **HJR 8** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Brown, Driscoll, Peterson, Sales, Sonju.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald,

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MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Ankney, Hawk, Lake, McGillvray, Mendenhall, Miller, Randall, Sales.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 133 failed as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Berry, Blasdel, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Jones, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, Morgan, Nooney, O'Hara, Peterson, Regier, Roberts, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Warburton, Washburn, Welborn.

Total 41

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Howard, Hunter, Jopek, Kasten, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, More, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Steenson, Van Dyk, Villa, Wagner, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 59

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 197 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman,

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Mr. Speaker.
Total 84

Nays: B. Beck, Blasdel, Boniek, Hendrick, Kasten, Mendenhall, Miller, Randall, Regier, Sales, Stoker, Taylor, Vincent, Wagner.
Total 14

Excused: None.
Total 0

Absent or not voting: More, Vance.
Total 2

HB 263 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 97

Nays: Caferro, Kerns, Wiseman.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 264 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: Caferro, Kerns, Sales.
Total 3

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 326 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Belcourt, Villa, Wilmer.
Total 3

Excused: None.
Total 0

Absent or not voting: Ingraham.
Total 1

HB 371 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 87

Nays: B. Beck, Boniek, Himmelberger, Kasten, McGillvray, Mendenhall, Miller, Peterson, Randall, Sales, Wagner, Welborn.
Total 12

Excused: None.
Total 0

Absent or not voting: Stahl.
Total 1

SB 7 concurred in as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: B. Beck, Boniek, McGillvray, Mendenhall, Miller, More, Nooney, Randall, Regier, Reichner, Sales, Smith, Sonju, Vance, Vincent, Warburton.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 10 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Boniek, Mendenhall, More, Wagner.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 11 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith,

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Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Rep. Campbell moved that HB 163 be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that HJ 8 be moved to the Appropriations Committee. Motion carried.

Rep. Campbell asked to reconsider the motion on HJ 8. Motion carried.

ANNOUNCEMENTS

Rep. Brown announced that Rep. Klock was recently honored as volunteer of the year by the enlisted men and women.

Rep. Cohenour reminded everyone of basketball tonight.

Mr. Speaker announced that the Sgt.-at-Arms office is going to send back the blue vases to the cancer society, please drop your blue flower vases at the Sgt.-at-Arms office when you get a chance.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Tuesday, February 3, 2009. Motion carried.

House adjourned at 2:16 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
TWENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
February 3, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Bennett. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman): 2/3/2009
HB 250, do pass. Report adopted.

JUDICIARY (Stoker, Chairman): 2/3/2009
HB 95, introduced bill, be amended as follows:

1. Page 8, line 4.
Strike: "department"
Insert: "state"

2. Page 8, line 7.
Strike: "department"
Insert: "state"

3. Page 8, line 19 through line 25.
Strike: subsection (10) in its entirety

And, as amended, do pass. Report adopted.

HB 209, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman): 2/3/2009
HB 170, introduced bill, be amended as follows:

1. Page 36, line 13.
Insert: "NEW SECTION. Section 24. Compliance with federal laws regarding military service. (1) With respect to a member's death occurring on or after January 1, 2007, while the member is performing qualified military service covered under the Heroes Earnings Assistance and Relief Tax Act of 2008, Public Law 110-245, and to the extent required by section 401(a)(37) of the Internal Revenue Code, 26 U.S.C. 401(a)(37), the designated beneficiaries are entitled to benefits that the system would have provided if the member's death had occurred while in covered employment.

(2) With respect to a member's disability occurring on or after January 1, 2009, while the member is performing qualified military service covered under the Heroes Earnings Assistance and Relief Tax Act of 2008,

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Public Law 110-245, and to the extent required by section 401(a)(37) of the Internal Revenue Code, 26 U.S.C. 401(a)(37), the members is entitled to any benefits that the system would have provided had the member become disabled while in covered employment."

Renumber: subsequent sections

2. Page 36, line 14.

Strike: "and"

Insert: ", "

Following: "10"

Insert: ", and 24"

3. Page 36, line 16.

Strike: "and"

Insert: ", "

Following: "10"

Insert: ", and 24"

4. Page 37, line 17.

Insert: "(14) [Section 24] applies retroactively to retirement system member deaths on and after January 1, 2007, and to retirement system member disabilities on and after January 1, 2009."

And, as amended, do pass. Report adopted.

HB 289, introduced bill, be amended as follows:

1. Page 1, line 23.

Strike: "or adjourn"

And, as amended, do pass. Report adopted.

HJR 13, be adopted. Report adopted.

MESSAGES FROM THE SENATE

SB 80, introduced by McGee, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

2/3/2009

Yeas - 20

Nays - 30

SB 81, introduced by McGee, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

2/3/2009

Yeas - 21

Nays - 29

Senate bills passed and transmitted to the House for concurrence:

2/3/2009

SB 148, introduced by J. Peterson

SB 164, introduced by De. Barrett

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SB 256, introduced by Shockley

Senate joint resolutions passed and transmitted to the House for concurrence:

2/3/2009

SJR 7, introduced by Brenden

SJR 15, introduced by Tutvedt

FIRST READING AND COMMITMENT OF BILLS

The following **House bills** were introduced, read first time, and referred to committees:

HB 422, introduced by Cohenour, Hawks, referred to Federal Relations, Energy, and Telecommunications.

HB 423, introduced by Pomnichowski, referred to Natural Resources.

HB 424, introduced by Pomnichowski, referred to Natural Resources.

HB 425, introduced by Pomnichowski, referred to Natural Resources.

HB 426, introduced by Milburn, referred to Fish, Wildlife and Parks.

HB 427, introduced by Boniek, referred to Judiciary.

HB 428, introduced by Pomnichowski, referred to Taxation.

HB 429, introduced by Pomnichowski, referred to Natural Resources.

HB 430, introduced by Blewett, referred to Fish, Wildlife and Parks.

The following **House Joint Resolution** was introduced, read first time, and referred to committee:

HJR 15, introduced by Milburn, referred to Fish, Wildlife and Parks.

The following **Senate bills** were introduced, read first time, and referred to committees:

SB 80, introduced by McGee, referred to Education.

SB 81, introduced by McGee, referred to Education.

SB 148, introduced by J. Peterson, referred to Local Government.

SB 164, introduced by De. Barrett, referred to Fish, Wildlife and Parks.

SB 256, introduced by Shockley, referred to Judiciary.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 7, introduced by Brenden, referred to Natural Resources.

SJR 15, introduced by Tutvedt, Gebhardt, Steinbeisser, referred to Fish, Wildlife and Parks.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Nooney in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 44 - Representative Vincent moved **HB 44** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel,

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Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 139 - Representative Vincent moved **HB 139** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 153 - Representative Hands moved **HB 153** do pass.

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 92

Nays: Bean, Butcher, Hawk, Howard, Kerns, Lake, Regier, Welborn.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 294 - Representative MacLaren moved **HB 294** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 68

Nays: Arntzen, Bean, B. Beck, Boniek, Brown, Butcher, Caferro, Glaser, Hawk, Himmelberger, Hollandsworth, Hoven, Howard, Jones, Kasten, Kerns, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 123 - Representative Jones moved **HB 123** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Driscoll, Ebinger, Fleming, French, Getz, Glaser, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 85

Nays: Becker, Belcourt, Cohenour, Dickenson, Furey, Grinde, Jopek, MacDonald, Malek, Phillips, Pomnichowski, Wiseman.

Total 12

Excused: None.

Total 0

Absent or not voting: Hamilton, McChesney, Pease-Lopez.

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Total 3

HJR 1 - Representative French moved **HJR 1** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Bean, Butcher, Hawk, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Peterson, Stoker, Vance.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 12 - Representative Steenson moved **HJR 12** be adopted. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 52

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Nooney moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser,

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Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 75

Nays: Arntzen, B. Beck, Blasdel, Butcher, Hawk, Hendrick, Himmelberger, Howard, Kasten, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Reichner, Sales, Smith, Sonju, Vincent, Wagner.

Total 23

Excused: None.

Total 0

Absent or not voting: Nooney, Stahl.

Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 41 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Bean, Howard, Kasten, Kerns, Mendenhall, More, Randall, Regier, Sales, Sonju, Wagner.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 104 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson,

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Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 157 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 60

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 207 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

STATE INTERNET/BBS COPY

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 214 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 90

Nays: Bennett, Butcher, Hawk, Howard, Kerns, McGillvray, Mendenhall, Regier, Sales, Stahl.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 8 adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Dickenson, Driscoll, Himmelberger, Sales, Sonju.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Rep. Campbell moved that **HB 29** be moved to the Appropriations Committee. Motion carried.

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Rep. Campbell moved that **HB 133** actions from yesterday be reconsidered and be placed on 2nd reading. Motion carried.

Rep. Campbell moved that **HB 94** be moved to the Appropriations Committee. Motion carried.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):
HB 159, introduced bill, be amended as follows:

2/3/2009

1. Title, line 9.

Following: "SECRETS"

Insert: "AND ARE PRIVILEGED"

2. Page 2, line 18.

Following: "secrets and"

Insert: "are privileged. The materials"

3. Page 2, line 19 through line 21.

Following: "litigation" on page 2, line 19

Strike: ", provided" on page 2, line 19 through "privilege" on page 2, line 21

And, as amended, do pass. Report adopted.

HB 211, introduced bill, be amended as follows:

1. Title, line 10.

Following: "AGE;"

Insert: "PROVIDING FOR REVOCATION OF A CERTIFICATION FOR EXCESSIVE VIOLATIONS;"

2. Page 3, line 1.

Following: "annually"

Strike: ", and the certification may be revoked for noncompliance with [section 5]"

3. Page 3, following line 1.

Insert: "(2) (a) A certification may be revoked for noncompliance with [section 5]. A certification must be revoked if a vendor is determined by the department to be guilty of excessive violations of 16-3-301 with respect to the vendor's or the vendor's employees selling, delivering, or giving alcoholic beverages to underage persons.

(b) For the purposes of this subsection (2), "excessive violations" means more than four violations described in subsection (2)(a) in a 3-year period."

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

ANNOUNCEMENTS

Mr. Speaker reminded everyone that the state of the Judiciary address is tomorrow and asked everyone to keep their desks clean.

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Mr. Speaker reminded everyone that it is now possible to go fully paperless for every message, email, bill, etc.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Wednesday, February 4, 2009. Motion carried.

House adjourned at 2:22 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
TWENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
February 4, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Villa. Pledge of Allegiance to the Flag.

Roll Call. All members present. Except for Rep. Sands who is excused. Quorum present.

MOTIONS

Rep. Campbell moved that **HB 152** be moved from the Education Committee to the Appropriations Committee. Motion carried.

ANNOUNCEMENTS

Rep. Sesso announced that **HB 152** has been moved from the Education Committee to the Appropriations Committee and that without objection the Appropriations Committee hearing on **HB 152** will begin this afternoon.

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Jopek, Chairman): 2/4/2009
HB 368, do pass. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman): 2/4/2009
SB 39, be concurred in. Report adopted.

FISH, WILDLIFE AND PARKS (Van Dyk, Chairman): 2/4/2009
HB 203, introduced bill, be amended as follows:

1. Title, line 5.

Following: "NOTIFY"

Strike: "CERTAIN LANDOWNERS AND"

2. Title, line 6.

Following: "BEARS,"

Insert: "AND"

Following: "LIONS"

Strike: ", ELK, DEER, AND ANTELOPE"

Following: "PROPERTY;"

Insert: "PROHIBITING THE TRANSPLANTATION OF ANY ANIMAL ONTO PRIVATE PROPERTY
WITHOUT PRIOR PERMISSION FROM THE LANDOWNER;"

3. Page 1, line 14.

Following: "website"

Strike: "and in newspapers of"

Insert: "and, when practical, by personal contact in the"

Following: "general"

Strike: "circulation throughout the"

4. Page 1, line 15.

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Strike: "likely to range"
Insert: "released"

5. Page 1, line 16 through line 18.

Following: "(b)" on line 16

Strike: remainder of line 16 through "released" on line 18

Insert: "notify the public through print and broadcast media of the availability of release information on the department's website"

6. Page 1, line 19.

Following: "(2)"

Strike: "If an elk, deer, or antelope is transplanted on private property and written"

Insert: "Prior"

7. Page 1, line 20.

Following: first "landowner"

Strike: remainder of line 20 through "mail"

Insert: "is required before any animal may be transplanted onto private property"

And, as amended, do pass. Report adopted.

HB 223, do pass. Report adopted.

HB 296, do pass. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman):

2/4/2009

HB 269, do pass. Report adopted.

HB 273, do pass. Report adopted.

SB 74, be amended as follows:

1. Page 1, line 22.

Following: "~~appropriate~~"

Insert: "and other appropriate"

And, as amended, be concurred in. Report adopted.

TAXATION (Lake, Chairman):

2/4/2009

SB 115, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/4/2009

SB 18, introduced by Wanzenried

SB 113, introduced by Keane

SB 202, introduced by Hinkle

SB 214, introduced by Steinbeisser

SB 247, introduced by Black

SB 252, introduced by Cooney

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Senate joint resolution passed and transmitted to the House for concurrence:

2/4/2009

SJR 11, introduced by Brueggeman

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 431, introduced by Blewett, Butcher, Roberts, referred to Judiciary.

HB 432, introduced by Mehlhoff, Cohenour, referred to Education.

HB 433, introduced by Malek, Dickenson, Fleming, Augare, Williams, Squires, Steenson, Juneau, Belcourt, Sands, Furey, Henry, Hamilton, Grinde, McAlpin, Reinhart, A. Noonan, McClafferty, Hollenbaugh, referred to Education.

HB 434, introduced by Wilmer, Vincent, referred to Fish Wildlife and Parks.

HB 435, introduced by Wilmer, Augare, P. Beck, Becker, Belcourt, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Getz, Grinde, Hands, Henry, Hollenbaugh, Jopek, Kottel, MacDonald, Malek, McClafferty, Mehlhoff, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Reinhart, Roundstone, Sands, Sesso, Steenson, Villa, Wilmer, Wilson, referred to Business and Labor.

HB 436, introduced by Phillips, Cooney, French, Gebhardt, Kottel, Shockley, referred to Local Government.

HB 437, introduced by Hands, Wanzenried, referred to Transportation.

HB 438, introduced by Sands, referred to Business and Labor.

HB 439, introduced by Sands, referred to Local Government.

HB 440, introduced by Mendenhall, referred to Appropriations.

HB 441, introduced by Kerns, referred to Transportation.

HB 442, introduced by Stahl, referred to Transportation.

HB 443, introduced by Menahan, Phillips, referred to Fish, Wildlife and Parks.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 16, introduced by MacDonald, Williams, Kaufmann, Dickenson, Grinde, Becker, Caferro, Juneau, Sands, Pease-Lopez, Malek, French, Henry, Stewart-Peregoy, Boss Ribs, McClafferty, Hands, Wilmer, Squires, Pomnichowski, Cohenour, Moss, Caferro, referred to State Administration.

HJR 17, introduced by French, Murphy, Cohenour, Malek, Pomnichowski, Hamilton, P. Noonan, Windy Boy, Juneau, Gallus, Glaser, Boland, Becker, Sands, Hunter, Lewis, Taylor, Hunter, Mendenhall, Warburton, Brenden, Arntzen, McGillvray, R. Brown, Di. Barrett, McNutt, referred to Human Services.

The following Senate bills were introduced, read first time, and referred to committees:

SB 18, introduced by Wanzenried, referred to Appropriations.

SB 113, introduced by Keane, referred to Natural Resources.

SB 202, introduced by Hinkle, Hendrick, Jackson, Gebhardt, Murphy, De. Barrett, Zinke, Ankney, referred to Fish, Wildlife and Parks.

SB 214, introduced by Steinbeisser, Bales, Ripley, Brenden, Lewis, Zinke, Curtiss, Black, Tutvedt, referred to Agriculture.

SB 247, introduced by Black, Ankney, Bales, Black, T. Brown, Cohenour, Cooney, Ebinger, Hollandsworth, Jackson, Jones, Laible, Regier, Ripley, Schmidt, Stewart-Peregoy, Vincent, referred to Business and Labor.

SB 252, introduced by Cooney, Cohenour, Ankney, Arntzen, Augare, Bales, Balyeat, Barkus, De. Barrett, Di. Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Black, Blewett, Boland, Branae, Brenden, D. Brown, T. Brown, Butcher, Caferro, Cohenour, Dickenson, Erickson, Esp, Essmann, French, Furey, Gallus, Gebhardt, Gillan, Grinde, Hamlett, Hansen, Hawk, Hawks, Henry, Hinkle, Hollandsworth, Ingraham, Jackson, Jent, Kasten, Kaufmann, Keane, Klock, Laible, Lake, Larsen, Laslovich, Lewis, MacDonald, MacLaren, McGee, McGillvray,

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McNutt, Menahan, Mendenhall, Miller, More, Morgan, Moss, Murphy, Nooney, O'Hara, Perry, J. Peterson, K. Peterson, Pomnichowski, Randall, Regier, Reichner, Ripley, Roberts, Shockley, Smith, Squires, Stahl, Steinbeisser, Stewart-Peregoy, Stoker, Story, Taylor, J. Tropila, Tutvedt, Van Dyk, Vance, Villa, Vincent, Wanzenried, Warburton, Williams, Windy Boy, Zinke, referred to State Administration.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 11, introduced by Brueggeman, referred to Agriculture.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Caferro in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 95 - Representative Hawk moved **HB 95** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Glaser.

Total 1

HB 209 - Representative Phillips moved **HB 209** do pass. Motion **failed** as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 47

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Campbell, French, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake,

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MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Campbell move to pass consideration on **HB 250** for the day.

HB 363 - Representative Jones moved **HB 363** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Caferro moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Butcher.

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Total 1

Excused: Sands.

Total 1

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 44 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Sands.

Total 1

Absent or not voting: Belcourt.

Total 1

HB 123 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, French, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 90

Nays: Caferro, Dickenson, Fleming, Furey, MacDonald, Pomnichowski, Van Dyk, Wiseman.

Total 8

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Excused: Sands.
Total 1

Absent or not voting: Belcourt.
Total 1

HB 139 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: None.
Total 0

Excused: Sands.
Total 1

Absent or not voting: Belcourt.
Total 1

HB 153 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 87

Nays: Bean, Brown, Butcher, Hawk, Howard, Kerns, Lake, Regier, Reichner, Sales, Sonju.
Total 11

Excused: Sands.
Total 1

Absent or not voting: Belcourt.
Total 1

HJR 1 adopted as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: Bean, Butcher, Hawk, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Peterson, Vance, Wagner.

Total 13

Excused: Sands.

Total 1

Absent or not voting: Belcourt, Boniek.

Total 2

MOTIONS

Rep. Campbell moved that **HB 404** be moved from Business and Labor to Local Government Committee. Motion carried.

Rep. Campbell moved that **HB 250** be moved to the Appropriations Committee. Motion carried.

SPECIAL ORDERS OF THE DAY

Rep MacDonald moved that the following undersigned names be **ADDED** as sponsors to **HB 388** Motion carried.

HB 388 (Van Dyk, Chief Sponsor)

Senators Cooney, Hawks, Kaufmann, Schmidt, Williams and Representatives Blewett, Caferro, Furey, Grinde, Sands, Wilmer, Wiseman.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House upon adjourn after the State of the Judiciary Address, adjourn until 1:00 p.m., Thursday, February 5, 2009. Motion carried.

Mr. Speaker called the House to order at 1:57 p.m.

Sgt.-at-Arms Tensely notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Bergren requested Sergeant-at-Arms Tensely to admit the Honorable Senate to the House Chambers.

Speaker Bergren introduced Senate President Story and yielded the chair to him.

Senate Majority Leader Peterson moved that the body resolve itself into a joint session for the purpose of receiving the address from the State of the Judiciary address, the Honorable Chief Justice Mike McGrath. Motion

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carried.

Sgt.-at-Arms Clark announced that Honore guests await outside the chamber. Mr. President requested Sergeant-at-Arms Clark to admit the Honorable guests to the House Chambers.

Senate Majority Leader Peterson moved the President be authorized to appoint a committee of four to notify Chief Justice McGrath that we are in joint session and ready to receive his address. Motion carried.

The President appointed Senator Perry, Senator Wanzenried, Representative Ingraham, and Representative Hollenbaugh and discharged the committee to escort The Honorable Senator Tester into the House Chambers.

Sgt.-at-Arms Clark announced that the Honorable Chief Justice McGrath awaits outside the Chamber. President Story requested Sergeant-at-Arms Clark to admit the Chief Justice McGrath to the House Chambers.

The Select Committee escorted Chief Justice McGrath into the chambers.

President Story introduced the Honorable Justices of the Montana Supreme Court Justice Patricia Cotter, Justice William Leaphart, Justice Brian Morris, Justice James C. Nelson, Justice James A. Rice, Jr. Justice John Warner, and joining them the Honorable Clerk of the Montana Supreme Court, Ed Smith.

President Story introduced Chief Justice McGrath.

The Honorable Chief Justice Mike McGrath addressed the 61st joint legislative session.

Mr. Speaker.

Mr. President.

Members of the Court.

Honored Guests.

Members of this Joint Assembly.

Thank you for giving me this opportunity. It is indeed an honor to be here speaking on behalf of Montana's Judiciary.

It is very gracious of you, and appropriate I might add, to provide this opportunity to both the Executive and Judicial Branches of Montana's government.

So what is so special about the Judiciary? What do these courts do?

The citizens of this state come to the courthouse when they are in crises:

The rancher who can't irrigate because of a water dispute;

The man injured through no fault of his own who cannot work and cannot pay his mortgage, buy groceries for his family, or pay his medical bills;
The defendant wrongfully accused;

The mother who needs child support to buy diapers and formula;

The victim of a crime seeking justice;

The father whose child is wrongfully being withheld from him;

The business owner who has put a second mortgage on her house to stay in business and is now being sued;

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The child crying in the crib after being abused and neglected by a parent.

All of these people come to the court because their lives are in crisis and cannot resume until this crisis is resolved.

And they come because they *know* they have rights. They *know* that there are laws that will protect them. They *know* that all they have to do is tell the judge their story and the crisis will be over.

And they know they will be treated fairly, by an independent judge—not a person beholden to money interests or partisanship or social status. Rather a judge who will listen to their grievance and make a decision based on the merits of each individual case.

Alexander Hamilton said that the “ordinary administration of criminal and civil justice . . . contributes more than any other circumstance” to the public support of a system of government.

What our founders knew was that if this republic they had created was going to succeed, it had to be based upon the rule of law, and that rule of law requires an independent and impartial manner of resolving disputes—be they commercial matters, family crises, criminal charges or removal of public officers.

And the system works!

Ted Olson served as the U.S. Solicitor General in a Republican Administration. His wife was killed on 9/11. Recently he wrote:

Every day, thousands and thousands of judges—jurists whose names we never hear, from our highest court to our most local tribunal—resolve controversies, render justice, and help keep the peace by providing a safe, reliable, efficient and honest dispute resolution process. The pay is modest, the work is frequently quite challenging, and the outcome often controversial. For every winner in these cases, there is a loser. Many disputes are close calls, and the judge’s decision is bound to be unpopular with someone. But in this country we accept the decisions of judges, even when we disagree on the merits, because the process itself is vastly more important than any individual decision. Our courts are essential to an orderly, lawful society. And a robust and productive economy depends upon a consistent, predictable, evenhanded, and respected rule of law. . . . Americans understand that no system is perfect and no judge immune from error, but also that our society would crumble if we did not respect the judicial process.

So I thank you for recognizing the importance of the Judicial Branch of our government and I thank you, again, for the opportunity to speak for the Judiciary.

Our Legislative Proposals this Session are modest—but significant. By the way, the Judicial branch, the court system for all Montanans, spends less than 1% of the entire State’s budget.

We hear a lot these days about access to justice. If citizens cannot get their cases heard; if businesses don’t have a way to resolve commercial disputes quickly; if the middle class can no longer afford to hire an attorney; if the poor have no redress for grievances; or if the system has become so complicated that only specialized attorneys can navigate the complexities, then they all are being denied access to justice.

Moreover, the old adage is true: justice delayed is justice denied.

--Our budget proposes to add some judges in highly overcrowded courts in some of our growing communities.

--We propose to reduce an extremely heavy workload at the Montana Supreme Court by bringing in a mediator to help settle cases that ought to be settled.

--We propose to assist individual Montana citizens with court service areas, places where you can get proper forms and assistance with the court process without unnecessary expense. Not all legal matters need attorneys. There are many ways we can simplify the process and provide people with helpful solutions.

Now we recognize that with judicial independence comes the corresponding responsibility, to be accountable:

--Accountable to the people we serve;

--Accountable to the Legislature, especially as to how we spend public funds; and

--Accountable to the rule of law by virtue of the responsibilities we have to our Constitution and Montana statute.

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In an effort to be more accountable, the Judicial Branch has undertaken a series of performance measures. At the Supreme Court, a number of case processing measures have been identified.

The Court is very much aware of concerns about backlogged cases. Significant improvements have been made in the last few months, and now only a few cases have been sitting for more than a year. We hope to adopt other efficiencies in the near future, while at the same time upholding our duty to the litigants to do a quality job.

In the District Courts, performance standards are now being developed. Surveys of court users are completed and formulas have been adopted to accurately measure case loads and case timeliness.

Finally, let me say that there are a number of things we, the Judiciary, can do to prevent future expenditures of precious state funds.

Drug courts and Treatment courts in general can and do save taxpayer dollars. And last session, Legislators had the foresight to fund this program for the first time.

Two years ago 50% of the children in foster care were there because of their parents' use of drugs—methamphetamine in particular.

An incredibly high percentage—up to 90%—of prison inmates (both male and female) are incarcerated with chemical dependency problems—as many as half, or more, for meth. And, of course, many of our prisoners have severe mental illness problems.

All of these social problems cause a tremendous drain on state and local government budgets. Treatment courts divert some of these people to less expensive and more effective alternatives. They can keep kids out of Pine Hills or even more expensive out-of-state placements.

Treating mental illness in a community can prevent tragedies like the recent episode in Glasgow.

Drug courts do reunite shattered families.

Recently I attended a graduation ceremony at a family Drug court in Butte. One young woman had six children, all now out of foster care. She had a job and was a productive member of society and back together with her kids.

Many of our judges in Montana are committed to addressing these problems in their communities—problems they see every day. Treatment courts are a strain on judges' time and energy. However, they are very rewarding as well. They do see good things happen in a courtroom—not a common occurrence in our courts.

Nationally, it has been proven that Treatment courts are by far the most effective thing we can do to address drug abuse and the problems that go with it. And thanks to you, last session, for providing some funding for these important programs. I hope they will be able to continue.

We believe our proposals will help to ensure that the small business owner, the man injured through no fault of his own, the mom, the defendant wrongly accused, and the child crying in the crib get their opportunity to resolve their crises.

While I have been Chief Justice for only a short period of time, I have enjoyed the experience immensely. I thank the people of Montana for giving me this opportunity.

Thank you again for inviting me to speak with you today.

I know all of you have a lot to do in the next 64 days!

Good luck this Session!

President Story asked the select committee to approach the rostrum and to escort the Chief Justice and the honored guests from the chambers

The joint session of the House and Senate adjourned at 2:18 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
TWENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
February 5, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Roberts. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Himmelberger welcomed former Rep. Alan Olsen to the House.

Mr. Speaker directed Rep. Wilmer to escort the Choir at Hawthorn School in Bozeman. Rep. Wilson introduced the Hawthorn School Choir and welcomed the parents that are in attendance. The Hawthorn School Choir sang three songs.

COMMUNICATIONS AND PETITIONS

The House journals for the 6th through the 11th legislative days have been reviewed and are approved. They have been filed with the Secretary of States office.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman): 2/5/2009

HB 208, do pass. Report adopted.

HB 287, introduced bill, be amended as follows:

1. Page 1, line 20.

Following: "rights-of-way."

Insert: "The written notice must include contact information for the utility and the public service commission where the affected property owner can receive information regarding the utility's right to remove or alter any vegetation or material within a utility right-of-way or easement."

2. Page 1, line 27.

Strike: "district"

Following: "court"

Insert: "of appropriate jurisdiction"

And, as amended, do pass. Report adopted.

JUDICIARY (Stoker, Chairman):

2/5/2009

HB 177, introduced bill, be amended as follows:

1. Page 1, line 11.

Following: "imposed"

Insert: "if the probationer or parolee complies with all the conditions imposed by the district court or the board"

Following: " ;"

Insert: "and"

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2. Page 1, lines 13 through 15.

Strike: "; and" on line 13 through "entirety" on line 15

3. Page 1, line 20.

Strike: "commits and is convicted of"

4. Page 1, line 21.

Following: "(a)"

Insert: "is charged with"

Strike: "or"

5. Page 1, line 22.

Following: "(b)"

Insert: "is charged with"

Strike: "is"

Insert: "could be"

6. Page 1, line 23.

Following: "months"

Insert: "; or"

(c) violates any condition imposed by the district court or the board"

And, as amended, do pass. Report adopted.

HB 295, introduced bill, be amended as follows:

1. Page 2, line 7.

Following: "relevant"

Insert: "unless the evidence is determined to be inadmissible pursuant to Rule 403 of the Montana Rules of Evidence"

2. Page 3, line 1.

Following: "relevant"

Insert: "unless the evidence is determined to be inadmissible pursuant to Rule 403 of the Montana Rules of Evidence"

3. Page 3, line 22.

Following: "relevant"

Insert: "unless the evidence is determined to be inadmissible pursuant to Rule 403 of the Montana Rules of Evidence"

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And, as amended, do pass. Report adopted.

TAXATION (Lake, Chairman):

2/5/2009

SB 23, do pass. Report adopted.

SB 116, do pass. Report adopted.

SB 181, do pass. Report adopted.

HB 262, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "HEATER"

Insert: "AND AN OUTDOOR HYDRONIC HEATER"

2. Title, page 1, line 6.

Strike: "DEFINING "MASONRY HEATER";"

3. Page 2, line 1.

Following: "appliance"

Insert: "that is:

(i)"

4. Page 2, line 2.

Following: "60.533; ~~or~~"

Insert: "or"

(ii) qualified for the phase 2 white tag under the U.S. environmental protection agency method 28 OWHH for outdoor hydronic heaters;

5. Page 2, line 4.

Following: "heater"

Insert: "constructed or installed in compliance with the requirements for masonry heaters in the International Residential Code for One- and Two-Family Dwellings"

6. Page 2, line 5 through line 23.

Strike: subsection (7) in its entirety

Renumber: subsequent subsections

7. Page 3, line 16.

Following: line 15

Strike: "in"

Insert: "to provide heat for"

8. Page 3, line 19.

Strike: "(a)"

Strike: "Subject" through "a"

Insert: "A"

9. Page 3, line 20.

Following: "15-32-102,"

Strike: "in"

Insert: "to provide heat for"

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10. Page 3, line 24 through line 26.

Strike: subsection (b) in its entirety

And, as amended, do pass. Report adopted.

HB 315, do pass. Report adopted.

TRANSPORTATION (Sonju, Chairman):

2/5/2009

HB 304, do pass. Report adopted.

HB 311, introduced bill, be amended as follows:

1. Page 1, line 9.

Following: the title

Insert: "WHEREAS, Evan F. Schneider proudly and honorably served the great State of Montana as a Montana Highway Patrol Trooper; his service record was exemplary; and even the people he arrested thanked him for his kindness and respect; and

WHEREAS, Evan helped many Montanans who were in crisis on our State's highways; and

WHEREAS, Evan joyfully fulfilled his duty as a Montana Highway Patrol Trooper to protect every person who travels Montana's highways; and

WHEREAS, we honor his ultimate sacrifice, his final duty to the citizens of Montana."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

2/5/2009

HB 305, introduced bill, be amended as follows:

1. Page 1, line 16.

Strike: "as provided in subsection (2)"

2. Page 1, line 24 through page 2, line 6.

Strike: line 24 on page 1 through line 6 on page 2 in their entirety

Renumber: subsequent subsections

3. Page 2, line 30.

Strike: "(9)"

Insert: "(8)"

4. Page 3, line 1.

Strike: "(4)(a)"

Insert: "(3)(a)"

5. Page 3, line 24.

Strike: "(5)(a)"

Insert: "(4)(a)"

And, as amended, do pass. Report adopted.

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MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/5/2009

SB 90, introduced by Jackson
SB 184, introduced by Balyeat
SB 185, introduced by Balyeat
SB 197, introduced by Laslovich
SB 208, introduced by Lewis
SB 222, introduced by Hansen
SB 275, introduced by Squires

Senate joint resolution passed and transmitted to the House for concurrence:

2/5/2009

SJR 3, introduced by Laible

FIRST READING AND COMMITMENT OF BILLS

The following **House bills** were introduced, read first time, and referred to committees:

HB 444, introduced by Kottel, referred to Business and Labor.
HB 445, introduced by Hands, referred to Agriculture.
HB 446, introduced by Pomnichowski, referred to Natural Resources.
HB 447, introduced by Pomnichowski, referred to Natural Resources.
HB 448, introduced by Pomnichowski, referred to Natural Resources.
HB 449, introduced by McChesney, referred to Local Government.
HB 450, introduced by French, Pomnichowski, Williams, Dickenson, Mehlhoff, Steenson, Di. Barrett, , McChesney, Stewart-Peregoy, Getz, Gallus, McClafferty, Wilson, Boss Ribs, Schmidt, Furey, Campbell, Caferro, Wanzenried, Reinhart, Kaufmann, Larson, , Roundstone, Henry, Driscoll, Fleming, Grinde, Cohenour, Belcourt, Hands, Gillan, Kottel, Malek, referred to Business and Labor.
HB 451, introduced by French, Ebinger, Reinhart, Pomnichowski, Hamilton, Taylor, Hawk, Menahan, referred to Business and Labor.
HB 452, introduced by P. Noonan, Hiner, Sesso, Hands, McClafferty, Di. Barrett, Pomnichowski, Pease-Lopez, Jopek, Campbell, Hamilton, Roundstone, A. Noonan, referred to Business and Labor.
HB 453, introduced by P. Noonan, Villa, Sesso, Pomnichowski, Hollenbaugh, Reinhart, French, McClafferty, Steenson, Pease-Lopez, Grinde, Boss Ribs, Furey, Cohenour, Augare, MacDonald, Becker, A. Noonan, referred to Human Services.
HB 454, introduced by Di. Barrett, Caferro, Dickenson, Hands, MacDonald, McAlpin, Reinhart, Sands, referred to Human Services.
HB 455, introduced by Reinhart, Zinke, Fleming, Hawks, Sesso, Shockley, Schmidt, Becker, MacLaren, Brueggeman, referred to Local Government.
HB 456, introduced by Cohenour, referred to Education.
HB 457, introduced by Cohenour, Kottel, referred to Judiciary.
HB 458, introduced by Cohenour, referred to State Administration.
HB 459, introduced by Grinde, Augare, De. Barrett, Blewett, Boniek, Boss Ribs, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Glaser, Grinde, Hamilton, Hands, Hollenbaugh, Kottel, Malek, McAlpin, McClafferty, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Reinhart, Roundstone, Van Dyk, Villa, Wilmer, Wilson, Wiseman, referred to Education.
HB 460, introduced by Wiseman, Essmann, referred to Business and Labor.
HB 461, introduced by Arntzen, Taylor, Glaser, Jones, Hendrick, McClafferty, MacLaren, Stahl, McGee, Mehlhoff,

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Juneau, Regier, Augare, Tutvedt, Reinhart, Reichner, referred to Education.

HB 462, introduced by Arntzen, Taylor, Glaser, MacLaren, McClafferty, Hendrick, Jones, Stahl, McGee, Mehlhoff, Juneau, Regier, Augare, Tutvedt, Reinhart, Reichner, referred to Education.

HB 463, introduced by French, Furey, Hamilton, Steenson, Pease-Lopez, Fleming, MacDonald, Boss Ribs, Grinde, Malek, Cohenour, Van Dyk, Boland, referred to State Administration.

HB 464, introduced by O'Hara, Ankney, Arntzen, Bean, P. Beck, Belcourt, Blewett, Driscoll, Ebinger, Fleming, French, Glaser, Hamilton, Hendrick, Himmelberger, Hollandsworth, Hoven, Jones, Klock, Malek, McAlpin, McClafferty, McNutt, Mehlhoff, Milburn, Nooney, J. Peterson, Pomnichowski, Randall, Reichner, Roberts, Smith, Sonju, Stahl, Steenson, Taylor, Washburn, Welborn, Wilson, Barkus, De. Barrett, Black, Brenden, T. Brown, Brueggeman, Cooney, Gebhardt, Hawks, Jackson, Larsen, Murphy, Perry, J. Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, referred to Appropriations.

HB 465, introduced by P. Beck, Ebinger, referred to Transportation.

HB 466, introduced by P. Beck, Berry, B. Beck, Ankney, Van Dyk, referred to Local Government.

The following **House Joint Resolutions** were introduced, read first time, and referred to committees:

HJR 18, introduced by Blewett, referred to Fish, Wildlife and Parks.

The following **Senate bills** were introduced, read first time, and referred to committees:

SB 90, introduced by Jackson, referred to State Administration.

SB 184, introduced by Balyeat, Boniek, Kerns, O'Hara, Kasten, Butcher, Phillips, Stahl, Milburn, More, Warburton, Sales, Hendrick, Bennett, Vance, Ripley, De. Barrett, Balyeat, Hinkle, Jackson, Zinke, Black, Gebhardt, Bales, Brenden, Curtiss, Murphy, Steinbeisser, Gallus, Barkus, Shockley, referred to Fish, Wildlife and Parks.

SB 185, introduced by Balyeat, Murphy, Balyeat, R. Brown, Curtiss, Jackson, Hinkle, Black, Gebhardt, Ripley, De. Barrett, Miller, Warburton, referred to Fish, Wildlife and Parks.

SB 197, introduced by Laslovich, referred to Judiciary.

SB 208, introduced by Lewis, referred to Human Services.

SB 222, introduced by Hansen, referred to Transportation.

SB 275, introduced by Squires, referred to Business and Labor.

The following **Senate Joint Resolutions** were introduced, read first time, and referred to committees:

SJR 3, introduced by Laible, referred to Education.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Milburn in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 130 - Representative Stoker moved **HB 130** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff,

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Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 81

Nays: Bennett, Blasdel, Boniek, Butcher, Hawk, Himmelberger, Hollandsworth, Howard, Kasten, Kerns, Mendenhall, Miller, More, Randall, Regier, Sales, Sonju, Vance, Wagner.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 131 - Representative Stoker moved **HB 131** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 63

Nays: Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Getz, Hawk, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Klock, McGillvray, McNutt, Mendenhall, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.
Total 36

Excused: None.
Total 0

Absent or not voting: Kottel.
Total 1

HB 132 - Representative Stoker moved **HB 132** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 77

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Hollandsworth, Howard, Kasten, Kerns, McGillvray, Mendenhall, Miller, Randall, Regier, Reichner, Sales, Sonju, Stahl, Vance, Wagner, Warburton.
Total 23

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 150 - Representative D. Brown moved **HB 150** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Ebinger, Furey, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer.
Total 58

Nays: Ankney, Barrett, Becker, Belcourt, Blewett, Boland, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Fleming, French, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Van Dyk, Villa, Wilson, Wiseman, Mr. Speaker.
Total 42

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 159 - Representative Augare moved **HB 159** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Kasten, Kerns, McGillvray.
Total 3

Excused: None.
Total 0

Absent or not voting: Hoven.
Total 1

HB 185 - Representative Nooney moved **HB 185** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett,

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Boniek, Boss Ribs, Brown, Butcher, Caferro, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 83

Nays: Becker, Boland, Campbell, Cohenour, Dickenson, French, Hamilton, Henry, Malek, McClafferty, A. Noonan, P. Noonan, O'Hara, Roundstone, Sesso, Van Dyk, Villa.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Milburn moved the Committee of the Whole report be adopted. Report adopted unanimously.

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Becker, Sales, Villa.
Total 3

Excused: None.
Total 0

Absent or not voting: Mendenhall, Milburn.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 95 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger,

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Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 363 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 12 adopted as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 54

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren,

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McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Rep. Campbell moved that **HB 130** and **HB 131** and **HB 132** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that **HB 185** to the Appropriations Committee. Motion carried.

ANNOUNCEMENTS

Mr. Speaker reminded the body that
Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Friday, February 6, 2009. Motion carried.

House adjourned at 2:10 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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61ST LEGISLATURE
TWENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
February 6, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Pease-Lopez. Pledge of Allegiance to the Flag.

Roll Call. All members present. Except for Representatives McAlpin and Stahl who were excused. Quorum present.

Mr. Speaker thanked the pages for the week.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 150 passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Ebinger, Furey, Getz, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hiner, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 60

Nays: Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Fleming, French, Hamilton, Hands, Henry, Hollandsworth, Hollenbaugh, Hunter, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Peterson, Phillips, Reinhart, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 39

Excused: Stahl.
Total 1

Absent or not voting: None.
Total 0

HB 159 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 92

Nays: Boniek, Kasten, Kerns, McGillvray, Sales, Stoker, Wagner.
Total 7

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Excused: Stahl.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Jopek, Chairman): 2/6/2009
SB 130, do pass. Report adopted.
HB 247, do pass. Report adopted.

APPROPRIATIONS (Sesso, Chairman): 2/6/2009
HB 27, do pass. Report adopted.
HB 82, do pass. Report adopted.
HB 128, do pass. Report adopted.
SB 117, be concurred in. Report adopted.

BUSINESS AND LABOR (Wilson, Chairman): 2/6/2009
HB 354, do pass. Report adopted.
SB 42, be concurred in. Report adopted.

FISH, WILDLIFE AND PARKS (Van Dyk, Chairman): 2/6/2009
HB 166, do pass. Report adopted.
HB 172, introduced bill, be amended as follows:

1. Page 1, line 13.
Following: "with a"
Insert: "diagnosed"

2. Page 1, line 20 through line 24.
Following: "(3)"

Strike: remainder of line 20 through line 24 in their entirety

Insert: "Each person who uses a provisional hunter safety and education certificate must be in the company of and assisted by the person's parent or guardian or by an adult designated by the person or by the person's parent or guardian when hunting and shall conduct all hunting within the terms and conditions of the license issued. A person who is accompanying and assisting a person with a disability must:

(a) have successfully completed a hunter safety and education course pursuant to 87-2-105(1);

(b) have as the sole priority the direct supervision of the person with a disability at all times;

(c) not be actively engaged in hunting while assisting and accompanying the person with a disability and may be the custodian of firearms necessary for the hunting experience of the person with a disability; and

(d) be able to immediately intervene and control the firearm of the person with a disability at any time."

And, as amended, do pass. Report adopted.

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HB 337, introduced bill, be amended as follows:

1. Page 3, line 9.

Following: "jurisdiction."

Insert: "Any license or permit purchased by gift certificate must be valid for the license year in which the gift certificate was purchased or for the next license year."

And, as amended, do pass. Report adopted.

JUDICIARY (Stoker, Chairman):

2/6/2009

HB 298, do pass. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman):

2/6/2009

HB 156, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "REGULATIONS;"

Insert: "ALLOWING A 10-DAY PERIOD TO BRING A VIOLATION INTO COMPLIANCE;"

2. Title, page 1, line 8.

Following: "SECTIONS"

Insert: ", 76-2-113, 76-2-210,"

Following: "76-2-211"

Insert: ", 76-2-308,"

3. Page 1.

Following: line 18

Insert: "**Section 2.** Section 76-2-113, MCA, is amended to read:

"76-2-113. Enforcement of zoning provisions. (1) If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if any building, structure, or land is used in violation of this part or of any resolution adopted under this part, the county, in addition to other remedies, may take any appropriate action or begin proceedings to:

(1)(a) prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;

(2)(b) restrain, correct, or abate a violation;

(3)(c) prevent the occupancy of a building, structure, or land; or

(4)(d) prevent any illegal act, conduct, business, or use in or near the premises.

(2) The county shall attempt to obtain voluntary compliance at least 10 working days before filing a complaint for a violation of this part that is subject to the penalties under [section 1]."

Insert: "**Section 3.** Section 76-2-210, MCA, is amended to read:

"76-2-210. Enforcement of zoning provisions. (1) ~~In case~~ If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this part or of any resolution ~~made under authority conferred hereby~~ adopted under this part, the ~~proper authorities of~~ the county, in addition to other remedies, may institute any appropriate action or proceedings to:

(a) prevent ~~such~~ the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; ~~to~~

(b) restrain, correct, or abate ~~such~~ a violation; ~~to~~

(c) prevent the occupancy of ~~such~~ the building, structure, or land; or ~~to~~

(d) prevent any illegal act, conduct, business, or use in or ~~about such~~ near the premises.

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(2) The county shall attempt to obtain voluntary compliance at least 10 working days before filing a complaint for a violation of this part that is subject to the penalties under 76-2-211.

~~(2)(3)~~ (3) The board of county commissioners may appoint enforcing officers to supervise and enforce the provisions of the zoning resolutions.""

Renumber: subsequent sections

4. Page 1.

Following: line 26

Insert: "Section 5. Section 76-2-308, MCA, is amended to read:

"76-2-308. Enforcement of zoning regulations and ordinances. (1) The city or town council or other legislative body may provide by ordinance for the enforcement of this part and of any regulation or ordinance ~~made thereunder~~ adopted under this part.

(2) ~~In case any~~ If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this part or of any ordinance or other regulation ~~made under authority conferred hereby~~ adopted under this part, the ~~proper local authorities~~ of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to:

(a) prevent ~~such~~ the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; ~~to~~

(b) restrain, correct, or abate ~~such~~ a violation; ~~to~~

(c) prevent the occupancy of ~~such~~ the building, structure, or land; or ~~to~~

(d) prevent any illegal act, conduct, business, or use in or ~~about~~ ~~such~~ near the premises.

(3) The municipality shall attempt to obtain voluntary compliance at least 10 working days before filing a complaint for a violation of this part that is subject to the penalties under 76-2-315.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 230, introduced bill, be amended as follows:

1. Title, line 5.

Following: "ALLOW FOR"

Insert: "LIMITED"

2. Page 1, line 12.

Following: "program"

Insert: -- award value limited

Following: "."

Insert: "(1)"

3. Page 1, line 15.

Strike: "(1)"

Insert: "(a)"

4. Page 1, line 17.

Strike: "(2)"

Insert: "(b)"

5. Page 1.

Following: line 18

Insert: "(2) An award to an individual under this part may not exceed \$50 in value."

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And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):
HB 274, do pass. Report adopted.

2/6/2009

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 358, introduced by Bergren, referred to State Administration.

HB 467, introduced by McAlpin, Arntzen, De. Barrett, , Boss Ribs, Campbell, Driscoll, Ebinger, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, K. Peterson, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Van Dyk, Warburton, Welborn, Wilmer, De. Barrett, Black, Branae, R. Brown, , Brueggeman, Erickson, Gillan, Hawks, Jent, Larsen, Laslovich, Perry, Squires, Wanzenried, Williams, referred to Appropriations.

HB 468, introduced by Cohenour, Boland, Campbell, Cohenour, Ebinger, Fleming, French, Getz, Hands, Hollenbaugh, McChesney, McClafferty, Mehlhoff, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Steenson, Van Dyk, referred to Education.

HB 469, introduced by Cohenour, referred to Local Government.

HB 470, introduced by Cohenour, referred to Judiciary.

HB 471, introduced by Van Dyk, referred to State Administration.

HB 472, introduced by Di. Barrett, Vincent, referred to Transportation.

HB 473, introduced by Berry, referred to Judiciary.

HB 474, introduced by McAlpin, referred to Education.

HB 475, introduced by Phillips, referred to State Administration.

HB 476, introduced by Arntzen, referred to Local Government.

HB 477, introduced by Menahan, referred to Judiciary.

HB 478, introduced by Grinde, MacDonald, referred to Agriculture.

HB 479, introduced by Boniek, referred to State Administration.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 19, introduced by Reinhart, Hands, Getz, Dickenson, Boland, Malek, De. Barrett, Cohenour, Wilmer, Blewett, Fleming, Roundstone, Henry, Pomnichowski, A. Noonan, MacDonald, Mehlhoff, Hamilton, Wilson, referred to Business and Labor.

Rep. Mendenhall announced that the House Republicans will caucus for 15 minutes in room 455.

Rep. Phillips announced that the House Democrats will stand at ease.

Mr. Speaker announced that the House will recess until 1:25 p.m. House recessed at 1:10 p.m.

Mr. Speaker called the House to order at 1:32 p.m.

MOTIONS

Rep. Campbell moved to pass consideration on **HB 84** for the day.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business

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on second reading. Motion carried. Representative P. Noonan in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 75 - Representative Van Dyk moved **HB 75** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 79

Nays: Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Randall, Regier, Reichner, Sales, Sonju, Stoker, Wagner, Warburton.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 170 - Representative Menahan moved **HB 170** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: B. Beck, Boniek, Hawk, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Peterson, Randall, Reichner, Sales, Smith, Sonju, Stoker, Vance, Wagner, Warburton.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 192 - Representative Taylor moved **HB 192** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Driscoll, Ebinger, Fleming, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns,

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Klock, Lake, MacLaren, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wiseman.
Total 57

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Mr. Speaker.
Total 43

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 203 - Representative Miller moved **HB 203** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: French, McAlpin, A. Noonan, Phillips, Pomnichowski, Roundstone, Sesso, Villa, Wilmer.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 211 - Representative Welborn moved **HB 211** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 90

Nays: Caferro, Dickenson, Hands, Hawk, Howard, McAlpin, McGillvray, Reichner, Reinhart.

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Total 9

Excused: None.

Total 0

Absent or not voting: French.

Total 1

HB 273 - Representative O'Hara moved **HB 273** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 223 - Representative Cohenour moved **HB 223** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: Ankney, Bennett, Berry, Boniek, Brown, Butcher, Howard, Kerns, Lake, McGillvray, Mendenhall, Milburn, Morgan, Randall, Regier, Roundstone, Sales, Sonju, Taylor, Vance, Vincent, Wagner, Warburton.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 289, introduced by Phillips, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature. Motion **failed** as follows.

Yeas: Barrett, P. Beck, Becker, Belcourt, Boland, Boniek, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Howard, Ingraham, Jopek, MacLaren, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Reinhart, Roundstone, Sesso, Stahl, Van Dyk, Villa, Wilson, Wiseman.
Total 42

Nays: Ankney, Arntzen, Augare, Bean, B. Beck, Bennett, Berry, Blasdel, Blewett, Brown, Butcher, Campbell, Glaser, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Pomnichowski, Randall, Regier, Reichner, Roberts, Sales, Sands, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Mr. Speaker.
Total 58

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Rep. Glaser noted that **HB 289** will progress onto 3rd reading, due to the 2/3 majority vote required by the entire legislature.

HJR 7 - Representative Vincent moved **HJR 7** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 87

Nays: Barrett, Grinde, Hands, Hiner, MacDonald, McClafferty, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Sesso, Villa, Wiseman.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman P. Noonan moved the Committee of the Whole report be adopted. Report adopted as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wiseman, Mr. Speaker.
Total 93

Nays: Hawk, McGillvray, Wilson.
Total 3

Excused: McAlpin, Stahl.
Total 2

Absent or not voting: Nooney, Washburn.
Total 2

ANNOUNCEMENTS

Rep. Mendenhall announced that the chocolate and valentine fair will be held at the civic center tomorrow.

MOTIONS

Rep. Campbell moved that **HB 273** be moved to Appropriations.
Rep. Campbell moved that **HB 211** be moved to Appropriations.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:00 p.m., Saturday, February 7, 2009. Motion carried.

House adjourned at 2:40 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
TWENTY-NINTH LEGISLATIVE DAY**

Helena, Montana
February 7, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Mendenhall. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):
HB 80, introduced bill, be amended as follows:

2/7/2009

1. Title, line 10.

Following: "DUTIES; REVISING"

Strike: "THE BASIS FOR"

Insert: "PROVISIONS RELATING TO"

2. Title, line 10 through line 11.

Strike: "TO" on line 10 through "ADDICTION" on line 11

3. Title, line 17.

Following: "37-35-201,"

Insert: "37-35-202,"

4. Page 9, line 23 through line 25.

Strike: subsection (10) in its entirety

Renumber: subsequent subsections

5. Page 9, line 26.

Following: "(11)"

Strike: "documented"

6. Page 9, line 27 through line 28.

Strike: "in" on line 27 through "duties" on line 28

7. Page 11, line 28 through line 30.

Strike: subsection (13) in its entirety

Renumber: subsequent subsections

8. Page 12, line 2.

Following: "that the"

Strike: "documented"

9. Page 12, line 2 through line 3.

Strike: "in" on line 2 through "duties" on line 3

10. Page 28, line 11.

Strike: "or"

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11. Page 28, following line 14.

Insert: "(d) of a student, intern, or resident in addiction counseling who is pursuing a course of study at an accredited college or university or who is working in a generally recognized training center if the activity or service constitutes part of the course of study; or"

Renumber: subsequent subsection

12. Page 28, following line 22.

Insert: "Section 37. Section 37-35-202, MCA, is amended to read:

"37-35-202. Licensure requirements -- examination -- fees. (1) To be eligible for licensure as a licensed addiction counselor, the applicant shall submit an application fee in an amount established by the department by rule and a written application on a form provided by the department that demonstrates that the applicant has completed the eligibility requirements and competency standards as defined by department rule.

(2) A person may apply for licensure as a licensed addiction counselor if the person has:

(a) received a baccalaureate or advanced degree in alcohol and drug studies, psychology, sociology, social work, or counseling, or a comparable degree from an accredited college or university; or

(b) received an associate of arts degree in alcohol and drug studies, addiction, or substance abuse from an accredited institution.

(3) Prior to becoming eligible to begin the examination process, each person shall complete supervised work experience in an addiction treatment program as defined by the department, in an internship approved by the department, or in a similar program recognized under the laws of another state.

(4) Each applicant shall successfully complete a competency examination, in writing only, as defined by rules adopted by the department.

(5) An applicant for licensure as a licensed addiction counselor must meet the education requirements before applying for licensure or beginning the required supervised work experience or internship.

(6) (a) An applicant who has completed all licensure requirements except the required supervised work experience or internship and the examination may apply for a temporary practice permit that authorizes the applicant to complete the required supervised work experience or internship.

(b) Temporary practice permits must be issued if it is determined that:

(i) a complete application approved by the department has been submitted;

(ii) initial screening by program staff shows no current disciplinary action against the applicant in this or any other state;

(iii) the applicant for a temporary practice permit may only function under the supervision of a supervisor who is trained in addiction counseling or a related field as defined by rule and who has an active license in good standing in Montana or any other state; and

(iv) the applicant has completed all educational requirements as prescribed in subsection (2)(a) or (2)(b).

(c) A person may practice licensed addiction counseling under a temporary practice permit until the person either fails the first license examination for which the person is eligible following issuance of the temporary practice permit or passes the examination and is granted a license.

~~(5)(7)~~ A person holding a license to practice as a licensed addiction counselor in this state may use the title "licensed addiction counselor".

~~(6)(8)~~ For the purposes of this section, "comparable degree" means a degree with accredited college course work, of which 6 credit hours must be in human behavior, sociology, psychology, or a similar emphasis, 3 credit hours must be in psychopathology or course work exploring patterns and courses of abnormal or deviant behavior, and 9 credit hours must be in counseling. For the 9 credit hours in counseling, 6 credit hours must be in group counseling and 3 credit hours must be in the theory of counseling. The credit hours specified in this subsection may be obtained in an associate or master's degree program if the applicant does not have a qualifying baccalaureate degree.""

Renumber: subsequent sections

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13. Page 38, following line 22.

Insert: "NEW SECTION. Section 52. Transition. Individuals who are qualified under 37-35-202(6) may engage in required supervised training in addiction counseling until rules for applying for and the issuance of temporary permits are adopted and implemented by the department of labor and industry."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 94, introduced bill, be amended as follows:

1. Title, line 7 through line 9.

Strike: "ALLOWING" on line 7 through "DEBTOR;" on line 9

2. Page 2, line 21.

Following: "31-1-111,"

Strike: "must be allowed to"

Insert: "may"

3. Page 2, line 26 through page 2, line 28.

Strike: subsection (5) in its entirety

And, as amended, do pass. Report adopted.

HB 286, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "PRODUCERS AND"

2. Page 3, line 3.

Following: "its"

Strike: "producers and"

And, as amended, do pass. Report adopted.

HB 374, introduced bill, be amended as follows:

1. Page 2, line 9 through line 15.

Strike: subsection (5) in its entirety

Renumber: subsequent subsections

2. Page 6, line 3.

Strike: "or Title 50"

3. Page 7, line 2.

Strike: "or Title 50"

4. Page 7, line 22.

Strike: "or Title 50"

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5. Page 7, following line 23.

Insert: "(5) (a) For the purposes of this section "electrical maintenance" means the ordinary and customary installations in a plant or onsite in addition to modifications, additions, or repairs that are limited to replacing ballasts, relamping, trouble-shooting motor controls, and replacing motors, breakers, or magnetic starters in a kind-for-kind manner. The term includes the connection of specific items of specialized equipment that can be directly connected to an existing branch circuit panel by means of factory-installed leads.

(b) The term does not include installation of a new circuit to operate the equipment described in subsection (5)(a) or installation that requires the size of supply conductors to be increased."

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Milburn, Chairman):

2/7/2009

HB 194, do pass. Report adopted.

HJR 4, be adopted. Report adopted.

TRANSPORTATION (Sonju, Chairman):

2/7/2009

HB 373, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "PLATES"

Strike: "FOR"

2. Title, page 1, line 5.

Strike: "THE IMMEDIATE FAMILY OF A MEMBER OF THE U.S. ARMED FORCES WHO DIED DURING COMBAT"

3. Page 3, line 28.

Strike: "Immediate family"

Insert: "Family"

Following: "who"

Strike: "died during combat"

Insert: "are eligible for a "Gold Star Lapel Button""

4. Page 4, line 26.

Following: "providing"

Strike: "any proof" through "require"

Insert: "a department of defense form 3 (DD Form 3) or its successor or documents showing the person's eligibility for a "Gold Star Lapel Button""

5. Page 4, line 27.

Strike: "spouse, parent, sibling, or child"

Insert: "family member"

Strike: "who died during combat"

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Insert: "who is eligible to receive a "Gold Star Lapel Button" as provided in Public Law 534 - 89th Congress"

6. Page 4, line 28.

Following: "inscribed with a"

Insert: "blue-bordered"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/7/2009

SB 227, introduced by R. Brown

SB 240, introduced by Brenden

SB 249, introduced by Curtiss

SB 262, introduced by Wanzenried

SB 187, introduced by Balyeat, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

2/7/2009

Yeas - 27

Nays - 23

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 480, introduced by Pomnichowski, referred to Fish, Wildlife and Parks.

HB 481, introduced by Hendrick, referred to Business and Labor.

HB 482, introduced by Howard, Ingraham, McGillvray, Mendenhall, Arntzen, Taylor, Boniek, Washburn, Randall, referred to Agriculture.

HB 483, introduced by Jones, Villa, Black, Mehlhoff, Ankney, Belcourt, Keane, Augare, referred to Federal Relations, Energy, and Telecommunications.

HB 484, introduced by Arntzen, referred to Taxation.

HB 485, introduced by Arntzen, Hands, Jones, Howard, McNutt, referred to Judiciary.

HB 486, introduced by MacLaren, Reinhart, Zinke, Brueggeman, Laible, Hawks, , Gillan, referred to Local Government.

HB 487, introduced by McNutt, Jones, referred to Taxation.

HB 488, introduced by Jones, referred to Education.

HB 489, introduced by Kottel, referred to Judiciary.

HB 490, introduced by Van Dyk, referred to Judiciary.

HB 491, introduced by Wiseman, Erickson, referred to Federal Relations, Energy, and Telecommunications.

HB 492, introduced by Bennett, Vincent, referred to Judiciary.

HB 493, introduced by Villa, referred to State Administration.

HB 494, introduced by Arntzen, referred to Taxation.

HB 495, introduced by Arntzen, referred to Judiciary.

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The following Senate bills were introduced, read first time, and referred to committees:

SB 187, introduced by Balyeat, Balyeat, Jackson, Hinkle, Black, Curtiss, Shockley, Black, Tutvedt, Murphy, Bales, Tutvedt, Murphy, Bales, Brenden, J. Peterson, Gebhardt, De. Barrett, Laible, Laible, T. Brown, Essmann, Warburton, Mendenhall, Boniek, Miller, Bennett, Randall, O'Hara, Zinke, Butcher, More, Kasten, Kerns, Ankney, referred to State Administration.

SB 227, introduced by R. Brown, referred to State Administration.

SB 240, introduced by Brenden, T. Brown, Balyeat, Perry, Hinkle, Tutvedt, De. Barrett, Ripley, Brenden, Murphy, Gebhardt, Lewis, Bales, Barkus, J. Peterson, referred to State Administration.

SB 249, introduced by Curtiss, Ankney, Bennett, Curtiss, McGee, Shockley, Vincent, referred to Transportation.

SB 262, introduced by Wanzenried, referred to Local Government.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 75 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Smith, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 76

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Randall, Regier, Reichner, Roberts, Sales, Sonju, Stoker, Wagner, Warburton.

Total 23

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 170 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 76

Nays: B. Beck, Bennett, Boniek, Brown, Hawk, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Reichner, Sales, Smith, Sonju, Stoker, Taylor, Vance, Wagner, Warburton.

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Total 23

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 192 passed as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Driscoll, Fleming, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wiseman.

Total 55

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Ebinger, French, Furey, Getz, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Mr. Speaker.

Total 44

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 203 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 93

Nays: Caferro, McAlpin, Phillips, Pomnichowski, Roundstone, Wiseman.

Total 6

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 223 passed as follows:

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Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Steenson, Stoker, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 71

Nays: Ankney, Bean, Bennett, Berry, Boniek, Brown, Butcher, Hawk, Himmelberger, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Morgan, Randall, Regier, Roundstone, Sales, Sonju, Taylor, Vance, Vincent, Wagner, Warburton.

Total 27

Excused: None.

Total 0

Absent or not voting: Hiner, Stahl.

Total 2

HJR 7 adopted as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Barrett, Boss Ribs, Hands, Henry, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Sesso, Villa.

Total 10

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Welborn in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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HB 177 - Representative Kottel moved **HB 177** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 208 - Representative O'Hara moved **HB 208** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 92

Nays: P. Beck, Caferro, Hands, Jopek, Malek, Roundstone, Wiseman.

Total 7

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 262 - Representative Ebinger moved **HB 262** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier,

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Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Kasten, Kerns, McGillvray, Randall, Stoker.

Total 5

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 269 - Representative Mehlhoff moved **HB 269** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Stahl.

Total 1

Absent or not voting: None.

Total 0

HB 295 - Representative Menahan moved **HB 295** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 89

Nays: Boniek, Getz, Ingraham, Kerns, Mendenhall, More, Peterson, Roberts, Stoker, Wagner, Mr. Speaker.

Total 11

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 296 - Representative Menahan moved **HB 296** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Sonju.

Total 1

HB 304 - Representative Campbell moved consideration of **HB 304** be passed for the day. Motion carried.

HB 315 - Representative Blewett moved **HB 315** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Boniek, Henry, Sales.

Total 3

Excused: None.

Total 0

Absent or not voting: Pomnichowski.

Total 1

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HB 368 - Representative Fleming moved **HB 368** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Mendenhall, More, Sales.

Total 3

Excused: None.

Total 0

Absent or not voting: Blasdel.

Total 1

HB 311 - Representative Blasdel moved **HB 311** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Brown, Kasten, Miller, More, Morgan, Peterson, Sales, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 39 - Representative Boss Ribs moved **SB 39** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart,

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Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Bean, Butcher, Hawk, Howard, Kerns, Lake, McGillvray, Mendenhall, Sales, Stoker, Vance.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Welborn moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: P. Beck, Butcher, Hawk, McGillvray, Miller, More, Randall, Van Dyk, Vincent.

Total 9

Excused: B. Beck, McAlpin, Nooney, Stahl.

Total 4

Absent or not voting: Welborn.

Total 1

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):

2/7/2009

HB 108, introduced bill, be amended as follows:

1. Title, line 9.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 12.

Following: line 30

Insert: "NEW SECTION. Section 14. Termination. [This act] terminates June 30, 2015."

And, as amended, do pass. Report adopted.

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NATURAL RESOURCES (Milburn, Chairman):
HB 140, introduced bill, be amended as follows:

2/7/2009

1. Page 1.

Following: line 24

Insert: "NEW SECTION. **Section 2. Federal funding for forest health concerns -- authorized expenditure.**

(1) There is an account in the federal special revenue fund into which must be deposited specific federal appropriations intended to address forest health concerns.

(2) The funds in the account may be used for the purposes of 77-5-216."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 270, introduced bill, be amended as follows:

1. Title, line 5 through line 6.

Strike: "ALLOWING PERMITS" on line 5 through "DISCRETIONARY;" on line 6

2. Page 2, line 25.

Strike: "may"

Insert: "must"

And, as amended, do pass. Report adopted.

HB 278, introduced bill, be amended as follows:

1. Page 2, line 12.

Strike: "20%"

Insert: "10%"

2. Page 2, line 17.

Strike: "20%"

Insert: "10%"

And, as amended, do pass. Report adopted.

MOTIONS

Representative Campbell moved **HB 262** be moved to Appropriations Committee. Motion carried.

Representative Campbell moved **HB 315** be moved to Appropriations Committee. Motion carried.

Representative Campbell moved **SB 39** be moved to the Appropriations Committee. Motion carried.

Representative Phillips moved to reconsider actions on **HB 289** and the bill be moved to the State Administration Committee for consideration of an amendment. Motion carried.

Representative Himmelberger moved **HB 18** be moved from State Administration and placed on 2nd reading. Motion requires a 3/5 majority vote of the House. Motion **failed** as follows.

Yeas: Ankney, Arntzen, Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Driscoll, Glaser, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McClafferty, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, O'Hara, Peterson, Pomnichowski, Randall, Regier, Reichner, Roberts, Sales, Sands, Smith, Sonju, Stoker, Taylor, Vance,

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Vincent, Wagner, Warburton, Washburn, Welborn, Wiseman.
Total 55

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Grinde, Hands, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McChesney, Mehlhoff, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Reinhart, Roundstone, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Mr. Speaker.
Total 41

Excused: B. Beck, McAlpin, Nooney, Stahl.
Total 4

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Monday, February 9, 2009. Motion carried.

House adjourned at 9:32 a.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
THIRTIETH LEGISLATIVE DAY**

Helena, Montana
February 9, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Cohenour. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker introduced the pages for the week. Ruth Baer (Kalispell), Cassie Bennett (Great Falls), Lou Gwin (Anaconda), Lauren Hartley (Kila), Stephanie Henson (Columbia Falls), Brian Luehr (Helena), Haley Mitgang (Livingston), Ethan Snell (Thompson Falls).

REPORTS OF STANDING COMMITTEES

EDUCATION (Grinde, Chairman): 2/9/2009
HB 56, do pass. Report adopted.

HUMAN SERVICES (Becker, Chairman): 2/9/2009
HB 243, do pass. Report adopted.

JUDICIARY (Stoker, Chairman): 2/9/2009
HB 216, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 2/9/2009

SB 57, introduced by Gillan
SB 97, introduced by Wanzenried
SB 107, introduced by Lewis
SB 132, introduced by Moss
SB 143, introduced by Laible
SB 157, introduced by Shockley
SB 188, introduced by Balyeat
SB 198, introduced by Lewis
SB 235, introduced by Murphy
SB 246, introduced by Perry
SB 255, introduced by Tutvedt

Senate joint resolution passed and transmitted to the House for concurrence: 2/9/2009

SJR 6, introduced by R. Brown

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

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HB 388, introduced by Van Dyk, referred to Education.
HB 496, introduced by Howard, Jones, Sonju, Blasdel, referred to Business and Labor.
HB 497, introduced by Fleming, Taylor, Brueggeman, referred to Transportation.
HB 498, introduced by French, Wilmer, referred to Fish, Wildlife and Parks.
HB 499, introduced by French, Furey, Vincent, Wilmer, referred to Fish, Wildlife and Parks.
HB 500, introduced by MacLaren, Shockley, Stoker, Taylor, Lake, Laible, Hawk, referred to State Administration.
HB 502, introduced by Phillips, Roundstone, Hamilton, Jones, Belcourt, Reinhart, French, Hollenbaugh, Malek, Ebinger, McClafferty, , Sesso, Menahan, De. Barrett, MacDonald, Dickenson, Wilmer, Cohenour, referred to Natural Resources.
HB 503, introduced by McChesney, referred to Judiciary.
HB 504, introduced by Reinhart, McChesney, Wiseman, K. Peterson, Furey, Wiseman, Hamilton, O'Hara, French, Kottel, McClafferty, Sands, Augare, McGillvray, referred to Judiciary.
HB 505, introduced by Reinhart, Fleming, Pomnichowski, Malek, De. Barrett, Menahan, Hamilton, referred to Local Government.
HB 506, introduced by Phillips, referred to Fish, Wildlife and Parks.
HB 507, introduced by Reinhart, referred to Business and Labor.
HB 508, introduced by Lake, referred to Taxation.
HB 509, introduced by Ingraham, referred to State Administration.
HB 510, introduced by Cohenour, O'Hara, Lewis, Wanzenried, Cooney, referred to Transportation.
HB 511, introduced by Mendenhall, referred to Human Services.
HB 512, introduced by Cohenour, Bean, Hawks, Phillips, Reichner, referred to Education.
HB 513, introduced by Cohenour, Wilmer, Hawks, Phillips, referred to Education.
HB 514, introduced by Cohenour, Phillips, referred to Education.
HB 515, introduced by McAlpin, referred to Judiciary.
HB 516, introduced by McAlpin, referred to Human Services.
HB 517, introduced by Hollenbaugh, referred to Judiciary.
HB 518, introduced by K. Peterson, referred to Business and Labor.
HB 519, introduced by Reinhart, referred to Local Government.
HB 520, introduced by Reinhart, referred to Local Government.
HB 521, introduced by Reinhart, referred to Local Government.
HB 522, introduced by Reinhart, referred to Local Government.
HB 523, introduced by Reinhart, referred to Local Government.
HB 524, introduced by Reinhart, referred to Local Government.

The following House Joint Resolutions were introduced, read first time, and referred to committees:

HJR 20, introduced by Menahan, referred to Judiciary.

The following Senate bills were introduced, read first time, and referred to committees:

SB 57, introduced by Gillan, referred to Local Government.
SB 97, introduced by Wanzenried, referred to Natural Resources.
SB 107, introduced by Lewis, referred to Natural Resources.
SB 132, introduced by Moss, referred to Taxation.
SB 143, introduced by Laible, referred to Natural Resources.
SB 157, introduced by Shockley, referred to Judiciary.
SB 188, introduced by Balyeat, Boniek, Bennett, Curtiss, Black, Hinkle, Stoker, Blasdel, Butcher, Kerns, Kasten, Mendenhall, Laible, Ripley, De. Barrett, Warburton, referred to Fish, Wildlife and Parks.
SB 198, introduced by Lewis, Lake, referred to Taxation.

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SB 235, introduced by Murphy, Ripley, Bales, Branae, J. Peterson, Campbell, Hunter, referred to Business and Labor.

SB 246, introduced by Perry, referred to Natural Resources.

SB 255, introduced by Tutvedt, referred to Local Government.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 16, introduced by R. Brown, referred to Business and Labor.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Villa in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 82 - Representative Driscoll moved **HB 82** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Boniek, McGillvray, Mendenhall, Miller, More, Regier, Sales, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: Sands.

Total 1

HB 128 - Representative Sesso moved **HB 128** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

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Nays: Blasdel, Boniek, Miller, Peterson, Randall, Sales, Sonju, Taylor.
Total 8

Excused: None.
Total 0

Absent or not voting: Mendenhall.
Total 1

HB 172 - Representative Arntzen moved **HB 172** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: Pomnichowski.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 228 - Representative Kerns moved **HB 228** do pass.

HB 228 - Representative Kerns moved **HB 228**, second reading copy, be amended as follows:

1. Page 2, line 2.

Strike: "TO A PERSON OTHER THAN AN IDENTIFIED PEACE OFFICER"

2. Page 2, line 12.

Strike: "or"

3. Page 2, line 13.

Following: "firearm"

Insert: ";

(d) negligently or purposefully threatening a peace officer with a firearm;

(e) displaying a firearm during the commission of a forcible felony; or

(f) displaying a firearm as part of a pattern of criminal street gang activity as defined in 45-8-405

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Amendment adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Dickenson, Grinde, MacDonald, Pease-Lopez, Pomnichowski, Roundstone, Wilmer.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 228 - Representative Van Dyk moved **HB 228**, second reading copy, be amended as follows:

1. Title, line 8.

Following: "ARMS;"

Insert: "AND"

Strike: ", 45-8-316,"

2. Title, line 9.

Strike: "; AND REPEALING SECTION 45-8-317, MCA"

3. Page 4, line 27 through page 5, line 7.

Strike: section 8 in its entirety

Renumber: subsequent sections

4. Page 5, line 18.

Strike: section 10 in its entirety

Renumber: subsequent sections

Amendment **failed** as follows:

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Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McAlpin, McChesney, McClafferty, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 46

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 54

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 228 - Representative Kerns moved **HB 228** as amended do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 58

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, MacDonald, Malek, McAlpin, McClafferty, Menahan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 42

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 287 - Representative Driscoll moved **HB 287** do pass.

HB 287 - Representative Wiseman moved **HB 287**, second reading copy, be amended as follows:

1. Title, page 1, line 7 through page 8.
Strike: "ESTABLISHING" on line 7 through "PENALTY;" on line 8
2. Page 1, line 30 through page 2, line 5.
Strike: section 2 in its entirety
Renumber: subsequent sections

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3. Page 2, line 7.

Strike: "[Sections 1 and 2] are"

Insert: "[Section 1] is"

4. Page 2, line 8.

Strike: "[sections 1 and 2]"

Insert: "[section 1]"

Amendment adopted as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Fleming, French, Hands, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Jopek, Kasten, Kerns, Kottel, Lake, MacDonald, Malek, McGillvray, Mehlhoff, Milburn, Miller, More, Morgan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wiseman.
Total 61

Nays: Arntzen, P. Beck, Belcourt, Blewett, Campbell, Dickenson, Driscoll, Ebinger, Furey, Getz, Glaser, Grinde, Hamilton, Henry, Hiner, Hollenbaugh, Howard, Hunter, Jones, Klock, MacLaren, McAlpin, McChesney, McClafferty, McNutt, Menahan, Mendenhall, A. Noonan, O'Hara, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Mr. Speaker.
Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 287 - Representative Driscoll moved **HB 287** as amended do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Belcourt, Bennett, Blewett, Boland, Boss Ribs, Caferro, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Wagner, Wilmer, Wilson, Mr. Speaker.
Total 64

Nays: Bean, Becker, Berry, Blasdel, Boniek, Brown, Butcher, Cohenour, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jopek, Kasten, Lake, Milburn, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Vance, Vincent, Warburton, Washburn, Welborn, Wiseman.
Total 34

Excused: None.

Total 0

Absent or not voting: Pease-Lopez, Stahl.

Total 2

HB 298 - Representative Blewett moved **HB 298** do pass. Motion carried as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Boniek, Hawk, Himmelberger, Hollandsworth, McGillvray, Miller.
Total 6

Excused: None.
Total 0

Absent or not voting: Roberts.
Total 1

HB 337 - Representative Blewett moved **HB 337** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: Kerns, Sales.
Total 2

Excused: None.
Total 0

Absent or not voting: McChesney.
Total 1

HB 354 - Representative Glaser moved **HB 354** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson,

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Wiseman, Mr. Speaker.
Total 96

Nays: More, Sales, Wagner.
Total 3

Excused: None.
Total 0

Absent or not voting: Berry.
Total 1

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Villa moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman.
Total 88

Nays: Becker, Caferro, Dickenson, Getz, Hollenbaugh, Villa, Wilson, Mr. Speaker.
Total 8

Excused: None.
Total 0

Absent or not voting: Berry, Malek, A. Noonan, Phillips.
Total 4

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 177 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 208 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 97

Nays: Jopek, Roundstone, Wiseman.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 269 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: Stoker.
Total 1

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

HB 295 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 92

Nays: Boniek, Ingraham, Kerns, Miller, Peterson, Roberts, Stoker, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 296 passed as follows:

ey, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 311 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren,

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Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Boniek, Brown, Kasten, Miller, More, Morgan, Peterson, Sales, Wagner.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 368 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Mendenhall, More, Sales.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Rep. Campbell moved **HB 469** be moved from the Local Government Committee to the Transportation Committee.
Rep. Campbell moved **HB 476** from the Local Government Committee to the Taxation Committee.

ANNOUNCEMENTS

Mr. Speaker asked everyone to please bring the rule book that was passed out last week to the Sergeant-at-Arms in the Lobby after the session and exchange it for a corrected copy. The one passed out last week missing a poriton and it has now been corrected.

Committee meetings were announced by the committee chairs.

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Representative Campbell moved that the House adjourn until 1:00 p.m., Tuesday, February 10, 2009. Motion carried.

House adjourned at 2:42 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
THIRTY-FIRST LEGISLATIVE DAY**

Helena, Montana
February 10, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Wagner. Pledge of Allegiance to the Flag.

Roll Call. All members present. Except for Representative Mendenhall who was excused. Quorum present.

Rep. Warburton asked for a moment of silence in recognition of a Matt Jergeson who recently passed away. A moment of silence ensued.

Rep. Sands ask for a moment of silence in recognition of former Representative Bob Thoft who recently passed away. A moment of silence ensued.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 82 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Boniek, McGillvray, Mendenhall, Miller, More, Regier, Sales, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 128 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 90

Nays: Blasdel, Boniek, Peterson, Randall, Sales, Sonju, Vincent, Wagner, Warburton.

Total 9

Excused: None.

Total 0

Absent or not voting: Van Dyk.

Total 1

HB 172 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Pomnichowski.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 228 passed as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Fleming, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 60

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, MacDonald, Malek, McAlpin, McClafferty, Menahan, Pease-Lopez, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 40

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 287 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Belcourt, Bennett, Blewett, Boland, Boss Ribs, Caferro, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Wagner, Wilmer, Wilson, Mr. Speaker.
Total 65

Nays: Bean, B. Beck, Becker, Berry, Blasdel, Boniek, Brown, Butcher, Cohenour, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jopek, Kasten, Lake, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Vance, Vincent, Warburton, Washburn, Welborn, Wiseman.
Total 34

Excused: None.
Total 0

Absent or not voting: P. Beck.
Total 1

HB 298 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 90

Nays: Blasdel, Boniek, Hawk, Hendrick, Himmelberger, Kasten, McGillvray, Miller, Randall.
Total 9

Excused: None.
Total 0

Absent or not voting: Getz.
Total 1

HB 337 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald,

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MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Kasten, Kerns, Sales.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 354 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: More.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):

2/10/2009

HB 160, introduced bill, be amended as follows:

1. Title, line 8.

Following: "PREMIUMS;"

Insert: "REVISING INVESTMENT REQUIREMENTS FOR CAPTIVE INSURERS;"

2. Title, line 9.

Following: "33-2-1903,"

Insert: "33-28-102, 33-28-105,"

Following: "33-28-107,"

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Strike: "33-28-120,"

Following: "33-28-201,"

Insert: "33-28-202,"

3. Page 2, following line 18.

Insert: "Section 2. Section 33-28-102, MCA, is amended to read:

"33-28-102. Licensing -- authority. (1) A captive insurance company, when permitted by its organizational document, may apply to the commissioner for a license to provide property insurance, casualty insurance, life insurance, disability income insurance, surety insurance, marine insurance, and health insurance coverage or a group health plan as defined in 33-22-140, except that:

(a) a pure captive insurance company may not insure any risks other than those of its parent and affiliated companies and controlled unaffiliated business entities;

(b) an industrial insured captive insurance company may not insure any risks other than those of the industrial insureds that comprise the industrial insured group and their affiliated companies;

(c) an association captive insurance company may not insure any risks other than those of the members or affiliated companies of members;

(d) a captive insurance company or a branch captive insurance company may not:

(i) provide personal lines of insurance, including but not limited to motor vehicle or homeowner's insurance coverage or any component of those coverages;

(ii) accept or cede reinsurance except as provided in 33-28-203;

(iii) provide health insurance coverage or a group health plan unless the captive insurance company or branch captive insurance company is only providing health insurance coverage or a group health plan for the parent company and its affiliated companies; or

(iv) write workers' compensation insurance on a direct basis; and

(e) a protected cell captive insurance company may not insure any risks other than those of its participant affiliated companies and controlled unaffiliated business entities.

(2) A captive insurance company may not write any insurance business unless:

(a) it first obtains from the commissioner a license authorizing it to do insurance business in this state;

(b) its board of directors, board of managing members, or a reciprocal insurer's subscribers' advisory committee holds at least one meeting each year in this state;

(c) it maintains its principal place of business in this state; and

(d) (i) it appoints a registered agent to accept service of process;

(ii) the name and contact information and any subsequent changes regarding the registered agent are filed with the commissioner; and

(iii) it agrees that whenever the registered agent cannot be found with reasonable diligence, the commissioner's office may act as an agent of the captive insurance company with respect to any action or proceeding and may be served in accordance with 33-1-603.

(3) (a) Before receiving a license, a captive insurance company shall:

(i) with respect to a captive insurance company formed as a ~~corporation~~ business entity:

(A) file with the commissioner a certified copy of its ~~charter and bylaws~~ organizational documents, a statement under oath of its ~~president and secretary~~ an officer of the business entity showing its financial condition, and any other statements or documents required by the commissioner; and

(B) submit to the commissioner for approval a description of the coverages, deductibles, coverage limits, and rates, together with any additional information that the commissioner may reasonably require;

(ii) with respect to a captive insurance company formed as a reciprocal insurer:

(A) file with the commissioner a certified copy of the power of attorney-in-fact, a certified copy of its subscribers' agreement, a statement under oath of its attorney-in-fact showing its financial condition, and any other statements or documents required by the commissioner; and

(B) submit to the commissioner for approval a description of the coverages, deductibles, coverage limits, and rates, together with any additional information that the commissioner may reasonably require.

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(b) In the event of any subsequent material change in any of the items in the description provided for in subsection (3)(a), the captive insurance company shall submit to the commissioner for approval an appropriate revision and may not offer any additional kinds of insurance until a revision of the description is approved by the commissioner. The captive insurance company shall inform the commissioner of any change in rates within 30 days of the adoption of the change.

(c) In addition to the information required by subsections (3)(a) and (3)(b), each applicant captive insurance company shall file with the commissioner evidence of the following:

- (i) the amount and liquidity of its assets relative to the risks to be assumed;
- (ii) the adequacy of the expertise, experience, and character of the person or persons who will manage it;
- (iii) the overall soundness of its plan of operation;
- (iv) the adequacy of the loss prevention programs of its parent, members, or industrial insureds as applicable; and
- (v) any other factors considered relevant by the commissioner in ascertaining whether the proposed captive insurance company will be able to meet its policy obligations.

(d) In addition to the information required by this section, each applicant that is a protected cell captive insurance company shall file with the commissioner the following:

(i) a business plan demonstrating how the applicant will account for the loss and expense experience of each protected cell at a level of detail found to be sufficient by the commissioner and how it will report the experience to the commissioner;

(ii) a statement acknowledging that all financial records of the protected cell captive insurance company, including records pertaining to any protected cells, must be made available for inspection or examination by the commissioner or the commissioner's designated agent;

(iii) all contracts or sample contracts between the protected cell captive insurance company and any participants; and

(iv) evidence that expenses will be allocated to each protected cell in a fair and equitable manner.

(e) Information submitted pursuant to this subsection (3) must remain confidential and may not be made public by the commissioner or an employee or agent of the commissioner without the written consent of the company, except that:

(i) the information may be discoverable by a party in a civil action or contested case to which the captive insurance company that submitted the information is a party, upon a showing by the party seeking to discover the information that the information sought is relevant to and necessary for the furtherance of the action or case, the information sought is unavailable from other nonconfidential sources, and a subpoena issued by a judicial or administrative officer of competent jurisdiction has been submitted to the commissioner;

(ii) the commissioner may, in the commissioner's discretion, disclose the information to a public officer having jurisdiction over the regulation of insurance in another state or to a public official of the federal government, as long as the public official agrees in writing to maintain the confidentiality of the information and the laws of the state in which the public official serves, if applicable, require the information to be and to remain confidential.

(4) (a) Each captive insurance company shall pay to the commissioner a nonrefundable fee of \$200 for the examining, investigating, and processing of its application for license, and the commissioner is authorized to retain legal, financial, and examination services from outside the department, the reasonable cost of which may be charged to the applicant.

(b) The provisions of Title 33, chapter 1, part 4, apply to examinations, investigations, and processing conducted under the authority of this section. In addition, each captive insurance company shall pay a license fee for the year of registration and a renewal fee for each subsequent year of \$300.

(5) If the commissioner is satisfied that the documents and statements that the applicant captive insurance company has filed comply with the provisions of this chapter and applicable provisions of Title 33, the commissioner may grant a license authorizing the company to do insurance business in this state. The license is effective until March 1 of each year and may be renewed upon proper compliance with this chapter."

Insert: "Section 3. Section 33-28-105, MCA, is amended to read:

"33-28-105. Formation of captive insurance companies. (1) A captive insurance company must be formed

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or organized as a business entity as provided in this chapter.

(2) An association captive insurance company or an industrial insured captive insurance company may be:

(a) incorporated as a stock insurer with its capital divided into shares and held by the stockholders;

(b) incorporated as a mutual insurer without capital stock, the governing body of which is elected by the members of its association or associations; ~~or~~

(c) organized as a reciprocal insurer under Title 33, chapter 5; or

(d) organized as a limited liability company.

(3) A captive insurance company incorporated or organized in this state ~~may not have less than three incorporators, at least one of whom must be a resident of this state~~ must be incorporated or organized by at least one incorporator or organizer who is a resident of this state.

(4) (a) In the case of a captive insurance company formed as a business entity and before the organizational documents are transmitted to the secretary of state, the organizers shall file a copy of the proposed organizational documents and a petition with the commissioner requesting the commissioner to issue a certificate that finds that the establishment and maintenance of the proposed business entity will promote the general good of the state. In reviewing the petition, the commissioner shall consider:

(i) the character, reputation, financial standing, and purposes of the organizers;

(ii) the character, reputation, financial responsibility, insurance experience, and business qualifications of any officers, ~~and directors, or managing members;~~ and

(iii) any other factors that the commissioner considers appropriate.

(b) If the commissioner does not issue a certificate or finds that the proposed organizational documents of the captive insurance company do not meet the requirements of the applicable laws, including but not limited to 33-2-112, the commissioner shall refuse to approve the draft of the organizational documents and shall return the draft to the proposed organizers, together with a written statement explaining the refusal.

(c) If the commissioner issues a certificate and approves the draft organizational documents, the commissioner shall forward the certificate and an approved draft of organizational documents to the proposed organizers. The organizers shall prepare two sets of the approved organizational documents and shall file one set with the secretary of state as required by the applicable law and one set with the commissioner.

(5) The capital stock of a captive insurance company incorporated as a stock insurer may be authorized with no par value.

(6) (a) At least one of the members of the board of directors of a captive insurance company must be a resident of this state.

(b) In the case of a captive insurance company formed as a limited liability company, at least one of the managers must be a resident of the state.

(c) In case of a reciprocal insurer, at least one of the members of the subscribers' advisory committee must be a resident of the state.

(7) (a) A captive insurance company formed as a corporation or another business entity has the privileges and is subject to the provisions of general corporation law or the laws governing other business entities, as well as the applicable provisions contained in this chapter.

(b) In the event of conflict between the provisions of general corporation law or the laws governing other business entities and this chapter, the provisions of this chapter control.

(8) (a) With respect to a captive insurance company formed as a reciprocal insurer, the organizers shall petition and request that the commissioner issue a certificate that finds that the establishment and maintenance of the proposed association will promote the general good of the state. In reviewing the petition, the commissioner shall consider:

(i) the character, reputation, financial standing, and purposes of the organizers;

(ii) the character, reputation, financial responsibility, insurance experience, and business qualifications of the attorney-in-fact; and

(iii) any other factors that the commissioner considers appropriate.

(b) The commissioner may either approve the petition and issue the certificate or reject the petition in a written statement of the reasons for the rejection.

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(c) (i) A captive insurance company formed as a reciprocal insurer has the privileges and is subject to the provisions of Title 33, chapter 5, in addition to the applicable provisions of this chapter. If there is a conflict between Title 33, chapter 5, and this chapter, the provisions of this chapter control.

(ii) The subscribers' agreement or other organizing document of a captive insurance company formed as a reciprocal insurer may authorize a quorum of a subscribers' advisory committee to consist of at least one-third of the number of its members.

(d) A captive risk retention group has the privileges and is subject to the provisions of Title 33, chapter 11, and this chapter. If there is a conflict between Title 33, chapter 11, and this chapter, the provisions of this chapter prevail.

(9) Except as provided in 33-28-306, the provisions of Title 33, chapter 3, pertaining to mergers, consolidations, conversions, mutualizations, and voluntary dissolutions apply in determining the procedures to be followed by captive insurance companies in carrying out any of those transactions.

(10) (a) With respect to a branch captive insurance company, the foreign captive insurance company shall petition and request that the commissioner issue a certificate that finds that, after considering the character, reputation, financial responsibility, insurance experience, and business qualifications of the officers and directors of the foreign captive insurance company, the licensing and maintenance of the branch operation will promote the general good of the state. The foreign captive insurance company shall apply to the secretary of state for a certificate of authority to transact business in this state after the commissioner's certificate is issued.

(b) A branch captive insurance company established pursuant to the provisions of this chapter to write in this state only insurance or reinsurance of the employee benefit business of its parent and affiliated companies is subject to provisions of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001, et seq. In addition to the general provisions of this chapter, the provisions of this section apply to branch captive insurance companies.

(c) A branch captive insurance company may not do any insurance business in this state unless it maintains the principal place of business for its branch operations in this state."

Renumber: subsequent sections

4. Page 3, line 26 through page 4, line 13.

Strike: Section 3 in its entirety

Renumber: subsequent sections

5. Page 5, line 9.

Following: "(a)"

Strike: "If"

Insert: "(i) Except as provided in subsection (3)(a)(ii), if"

6. Page 5, following line 11.

Insert: "(ii) In the calendar year in which a captive insurance company that is subject to the minimum tax is first licensed, the tax must be prorated on a quarterly basis as follows:

(A) \$5,000 if licensed in the first quarter;

(B) \$3,750 if licensed in the second quarter;

(C) \$2,500 if licensed in the third quarter; and

(D) \$1,250 if licensed in the fourth quarter."

7. Page 5, following line 29.

Insert: "Section 6. Section 33-28-202, MCA, is amended to read:

"33-28-202. Legal investments. (1)(a) An industrial insured captive insurance company, an association captive insurance company, and a captive risk retention group shall comply with the investment requirements contained in Title 33, chapter 12, and the rules promulgated in accordance with these provisions.

(b) The commissioner may approve the use of alternative reliable methods of valuation and rating.

(c) When a captive insurance company's admitted assets total less than \$5 million, the commissioner may

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approve an investment of up to 20% of admitted assets in rated credit instruments in any one investment that meets the requirements of 33-12-303(1)(c).

(2) A pure captive insurance company is not subject to any restrictions on allowable investments, except that the commissioner may prohibit or limit any investment that threatens the solvency or liquidity of the company.

(3) Only a pure captive insurance company may make loans to its parent company or affiliates. Loans to a parent company or any affiliate may not be made without prior written approval of the commissioner and must be evidenced by a note in a form approved by the commissioner. Loans of minimum capital and surplus funds required by 33-28-104 are prohibited.""

Renumber: subsequent sections

8. Page 6, line 3.

Following: "definitions of"

Insert: "commissioner and department provided in 33-1-202,"

And, as amended, do pass. Report adopted.

HB 204, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "A PERSON"

Insert: "AN APPLICANT"

2. Title, line 5 through line 6.

Strike: "FOR" on line 5 through "YEARS" on line 6

3. Title, line 6.

Following: "IS"

Insert: "NOT"

4. Title, line 6 through line 7.

Strike: "ONLY" on line 6 through "YEARS" on line 7

Insert: "DOCUMENTS PREVIOUSLY SUBMITTED IF THE APPLICANT VERIFIES THAT THE PREVIOUSLY SUBMITTED DOCUMENTS ARE STILL CURRENT AND VALID OR THE DEPARTMENT DECIDES THE DOCUMENTS ARE STILL CURRENT AND VALID"

5. Page 2, line 2.

Following: "To"

Strike: "Except as provided in subsection (5)(b), to"

Insert: "To"

6. Page 2, line 7.

Following: "department"

Strike: "if required"

7. Page 2, line 17 through line 19.

Strike: subsection (b) in its entirety

Insert: "(b) The department shall adopt a retention schedule that maintains copies of documents submitted in support of an initial application or renewal application for an independent contractor exemption certificate for a minimum of 3 years after an application has been received by the department. The department shall, to the

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extent feasible, produce renewal applications that reduce the burden on renewal applicants to supply information that has been previously provided to the department as part of the application process.

(c) An applicant who applies on or after July 1, 2011, to renew an independent contractor exemption certificate is not required to submit documents that have been previously submitted to the department if:

(i) the applicant certifies under oath that the previously submitted documents are still valid and current; and

(ii) the department, if it considers it necessary, independently verifies a specific document or decides that a document has not expired pursuant to the document's own terms and is therefore still valid and current."

And, as amended, do pass. Report adopted.

HB 378, introduced bill, be amended as follows:

1. Title, line 4.

Following: "ACT"

Strike: "EXPANDING THE EMPLOYMENTS TO WHICH"

Insert: "EXEMPTING FROM"

2. Title, line 5.

Following: "ACT"

Strike: "DOES NOT APPLY TO INCLUDE"

Insert: "THE EMPLOYMENT OF PERSONS PERFORMING THE SERVICES OF AN INTRASTATE OR INTERSTATE COMMON OR CONTRACT MOTOR CARRIER IF HIRED BY A"

Following: "FREIGHT"

Strike: "FORWARDERS"

Insert: "FORWARDER"

Following: ";

Strike: "AND"

3. Title, line 6.

Following: "MCA"

Insert: " ; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 3, line 29.

Following: "broker"

Insert: "or freight forwarder"

5. Page 4, line 6.

Strike: subsection (z) in its entirety

6. Page 5, line 15.

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

HB 400, introduced bill, be amended as follows:

1. Page 1, line 12.

Strike: "that" through "volume"

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2. Page 1, line 13.

Following: "code."

Strike: "Beer"

Insert: "Unless defined as beer in 16-1-106(5)(b), beer"

Strike: "14%"

Insert: "8.75%"

3. Page 1, line 26.

Following: "means"

Insert: ": (a)"

Strike: "14%"

Insert: "8.75%"

Following: "volume"

Insert: "; or"

(b) an alcoholic beverage containing not more than 14% alcohol by volume:

(i) that is made by the alcoholic fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted cereal grain; and

(ii) in which the sugars used for fermentation of the alcoholic beverage are at least 75% derived from malted cereal grain measured as a percentage of the total dry weight of the fermentable ingredients.

4. Page 3, line 27 through line 28.

Strike: "containing" on line 27 through "volume" on line 28

And, as amended, do pass. Report adopted.

HB 412, introduced bill, be amended as follows:

1. Page 1, line 25.

Strike: "20,001"

Insert: "20,000"

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Becker, Chairman):

2/10/2009

HB 365, do pass. Report adopted.

HB 367, introduced bill, be amended as follows:

1. Page 1, line 10.

Strike: "mother"

Insert: "parent"

Strike: "women"

Insert: "parents"

2. Page 1, line 12.

Strike: "women"

Insert: "parents"

3. Page 1, line 13.

Strike: "women who are"

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Insert: "parents"

4. Page 1, line 14.

Strike: "woman"

Insert: "parent"

5. Page 1, line 15.

Following: "give"

Strike: "her"

Insert: "the parent"

Following: "assist"

Strike: "her"

Insert: "the parent"

6. Page 1, line 17.

Strike: "mothers"

Insert: "parents"

7. Page 1, line 26.

Strike: "mothers"

Insert: "parents"

And, as amended, do pass. Report adopted.

SB 53, be concurred in. Report adopted.

NATURAL RESOURCES (Milburn, Chairman):

2/10/2009

HB 285, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "75-5-305"

Insert: ", 75-5-317,"

2. Page 2, line 9.

Following: line 9

Insert: "Section 2. Section 75-5-317, MCA, is amended to read:

"75-5-317. Nonsignificant activities. (1) The categories or classes of activities identified in subsection (2) cause changes in water quality that are nonsignificant because of their low potential for harm to human health or the environment and their conformance with the guidance found in 75-5-301(5)(c).

(2) The following categories or classes of activities are not subject to the provisions of 75-5-303:

(a) existing activities that are nonpoint sources of pollution as of April 29, 1993;

(b) activities that are nonpoint sources of pollution initiated after April 29, 1993, when reasonable land, soil, and water conservation practices are applied and existing and anticipated beneficial uses will be fully protected;

(c) use of agricultural chemicals in accordance with a specific agricultural chemical ground water management plan promulgated under 80-15-212, if applicable, or in accordance with an environmental protection agency-approved label and when existing and anticipated uses will be fully protected;

(d) changes in existing water quality resulting from an emergency or remedial activity that is designed to protect public health or the environment and is approved, authorized, or required by the department;

(e) changes in existing ground water quality resulting from treatment of a public water supply system, as

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defined in 75-6-102, or a public sewage system, as defined in 75-6-102, by chlorination or other similar means that is designed to protect the public health or the environment and that is approved, authorized, or required by the department;

(f) the use of drilling fluids, sealants, additives, disinfectants, and rehabilitation chemicals in water well or monitoring well drilling, development, or abandonment, if used according to department-approved water quality protection practices and if no discharge to surface water will occur;

(g) short-term changes in existing water quality resulting from activities authorized by the department pursuant to 75-5-308;

(h) land application of animal waste, domestic septage, or waste from public sewage treatment systems containing nutrients when the wastes are applied to the land in a beneficial manner, application rates are based on agronomic uptake of applied nutrients, and other parameters will not cause degradation;

(i) use of gray water, as defined in 75-5-325, from nonpublic gray water reuse systems for irrigation during the growing season in accordance with gray water reuse rules adopted pursuant to 75-5-305;

~~(j)~~(j) incidental leakage of water from a public water supply system, as defined in 75-6-102, or from a public sewage system, as defined in 75-6-102, utilizing best practicable control technology designed and constructed in accordance with Title 75, chapter 6;

~~(k)~~(k) discharges of water to ground water from water well or monitoring well tests, hydrostatic pressure and leakage tests, or wastewater from the disinfection or flushing of water mains and storage reservoirs, conducted in accordance with department-approved water quality protection practices;

~~(l)~~(l) oil and gas drilling, production, abandonment, plugging, and restoration activities that do not result in discharges to surface water and that are performed in accordance with Title 82, chapter 10, or Title 82, chapter 11;

~~(m)~~(m) short-term changes in existing water quality resulting from ordinary and everyday activities of humans or domesticated animals, including but not limited to:

(i) such recreational activities as boating, hiking, hunting, fishing, wading, swimming, and camping;

(ii) fording of streams or other bodies of water by vehicular or other means; and

(iii) drinking from or fording of streams or other bodies of water by livestock and other domesticated animals;

~~(n)~~(n) coal and uranium prospecting that does not result in a discharge to surface water, that does not involve a test pit located in surface water or that may affect surface water, and that is performed in accordance with Title 82, chapter 4;

~~(o)~~(o) solid waste management systems, motor vehicle wrecking facilities, and county motor vehicle graveyards licensed and operating in accordance with Title 75, chapter 10, part 2, or Title 75, chapter 10, part 5;

~~(p)~~(p) hazardous waste management facilities permitted and operated in accordance with Title 75, chapter 10, part 4;

~~(q)~~(q) metallic and nonmetallic mineral exploration that does not result in a discharge to surface water and that is permitted under and performed in accordance with Title 82, chapter 4, parts 3 and 4;

~~(r)~~(r) stream-related construction projects or stream enhancement projects that result in temporary changes to water quality but do not result in long-term detrimental effects and that have been authorized pursuant to 75-5-318;

~~(s)~~(s) diversions or withdrawals of water established and recognized under Title 85, chapter 2;

~~(t)~~(t) the maintenance, repair, or replacement of dams, diversions, weirs, or other constructed works that are related to existing water rights and that are within wilderness areas so long as existing and anticipated beneficial uses are protected and as long as the changes in existing water quality relative to the project are short term; and

~~(u)~~(u) any other activity that is nonsignificant because of its low potential for harm to human health or to the environment and its conformance with the guidance found in 75-5-301(5)(c)."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

2/10/2009

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HB 328, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/10/2009

SB 58, introduced by Gillan
SB 102, introduced by Brueggeman
SB 193, introduced by McGee
SB 201, introduced by Laslovich
SB 206, introduced by De. Barrett
SB 228, introduced by De. Barrett
SB 261, introduced by Wanzenried
SB 297, introduced by Larsen

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 525, introduced by Driscoll, referred to Judiciary.
HB 526, introduced by Sales, referred to Transportation.
HB 527, introduced by Sales, Hendrick, Sonju, Cohenour, Blasdel, referred to Fish, Wildlife and Parks.
HB 529, introduced by Jones, referred to Federal Relations, Energy, and Telecommunications.
HB 530, introduced by Arntzen, referred to Human Services.
HB 531, introduced by Nooney, referred to Transportation.
HB 532, introduced by MacLaren, referred to State Administration.
HB 533, introduced by Taylor, Nooney, referred to Judiciary.
HB 534, introduced by Campbell, French, Hamilton, McChesney, Sands, Wilmer, Laslovich, Shockley, Windy Boy, referred to Judiciary.
HB 535, introduced by Stahl, referred to Natural Resources.
HB 536, introduced by Malek, Hamilton, McAlpin, Menahan, referred to Transportation.
HB 537, introduced by Milburn, referred to Appropriations.
HB 538, introduced by Steenson, referred to Business and Labor.
HB 539, introduced by Glaser, Jones, referred to Education.
HB 540, introduced by Wilmer, referred to Taxation.
HB 541, introduced by Wiseman, Wanzenried, referred to Judiciary.
HB 542, introduced by Vance, referred to Business and Labor.
HB 543, introduced by Boss Ribs, Roundstone, Augare, Campbell, Pease-Lopez, Belcourt, Fleming, MacDonald, Stewart-Peregoy, referred to Appropriations.

The following Senate bills were introduced, read first time, and referred to committees:

SB 58, introduced by Gillan, referred to Local Government.
SB 102, introduced by Brueggeman, referred to Natural Resources.
SB 193, introduced by McGee, referred to Natural Resources.
SB 201, introduced by Laslovich, referred to Natural Resources.
SB 206, introduced by De. Barrett, referred to Natural Resources.
SB 228, introduced by De. Barrett, referred to Fish, Wildlife and Parks.

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SB 261, introduced by Wanzenried, referred to Local Government.

SB 297, introduced by Larsen, referred to Natural Resources.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Reichner in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 80 - Representative Kottel moved **HB 80** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: Blasdel, Boniek, Brown, Butcher, Driscoll, Hawk, Malek, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Sales, Sonju, Van Dyk, Villa, Wagner, Warburton.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 94 - Representative McNutt moved **HB 94** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 97

Nays: McGillvray, Wagner, Wiseman.

Total 3

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 108 - Representative Hollenbaugh moved **HB 108** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: B. Beck, Bennett, Berry, Brown, Kerns, MacLaren, McGillvray, Mendenhall, Randall, Taylor, Vincent, Wagner, Warburton.

Total 13

Excused: None.

Total 0

Absent or not voting: Arntzen.

Total 1

HB 140 - Representative Vincent moved **HB 140** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 86

Nays: Barrett, Blewett, Caferro, Dickenson, Hands, Hollenbaugh, Jopek, Malek, McAlpin, A. Noonan, Pease-Lopez, Pomnichowski, Reinhart, Wiseman.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 156 - Representative Pomnichowski moved **HB 156** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour,

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Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Wilson, Wiseman, Mr. Speaker.

Total 51

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 247 - Representative Bergren moved **HB 247** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Mendenhall, Stoker.

Total 2

Excused: None.

Total 0

Absent or not voting: Becker.

Total 1

HB 270 - Representative Bergren moved **HB 270** do pass. Motion carried as follows:

ey, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

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Nays: Boniek, Butcher, Howard, Kasten, Kerns, Lake, More, Regier, Sales, Stoker.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 286 - Representative Sonju moved **HB 286** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wiseman, Mr. Speaker.
Total 94

Nays: Ankney, Kerns, Milburn, Stoker, Washburn, Wilson.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 71 - Mr. Speaker moved that **HB 71** be moved to the top of the board. Motion carried.

HB 71 - Representative Sands moved **HB 71** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 78

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Howard, Kasten, Kerns, McGillvray, Mendenhall, Miller, More, Randall, Regier, Reichner, Sales, Stoker, Vance, Vincent, Wagner, Mr. Speaker.
Total 22

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

HB 304 - Representative Sonju moved **HB 304** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Boniek, Brown, Kasten, Kerns, Morgan, Peterson, Sales, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 373 - Representative Wilmer moved **HB 373** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Boniek, Kasten, Kerns, Mendenhall, Regier, Sales, Wagner.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 374 - Representative Arntzen moved **HB 374** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P.

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Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Boniek, Hoven, Kasten, Kerns, McGillvray, Mendenhall, Miller, Randall, Sales, Vincent, Wagner, Warburton.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Reichner moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: P. Beck, Bennett, Boniek, More, Sales.

Total 5

Excused: Boss Ribs, Mendenhall.

Total 2

Absent or not voting: Grinde, Hoven, Howard, Reichner.

Total 4

MOTIONS

Rep. Campbell moved that **HB 511** be moved from the Health and Human Services Committee to the Agriculture Committee. Motion carried.

Rep. Campbell moved that **HB 497** be moved from the Transportation Committee to the Judiciary Committee. Motion carried.

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HB 483** Motion carried.

HB 483 (Jones, Chief Sponsor)

Senator Windy Boy.

ANNOUNCEMENTS

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Mr. Speaker announced that the 3rd floor snack bar will be open on the Saturday throughout the remainder of the session.

Mr. Speaker announced that there are nearly 90 bills ready or close to being ready for pick up. If you wait for the next week to pick them up, you run the risk of your bill not receiving a proper hearing. I would ask you to either pick these bills up or cancel them as soon as you can. Some committees are already heavily scheduled.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Wednesday, February 11, 2009. Motion carried.

House adjourned at 2:30 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
THIRTY-SECOND LEGISLATIVE DAY**

Helena, Montana
February 11, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Rep. Wilmer introduced Rabbi Ed Staffman who gave the invocation. Pledge of Allegiance to the Flag.

Roll Call. All members present. Except for Rep. McClafferty who was excused. Quorum present.

Rep. Pomnichowski announced that Rep. McClafferty is absent in order to attend the birth of her grandchild.

Mr. Speaker introduced that Havre High School Belles Voix Choir.

Mr. Speaker directed Sgt.-at-Arms Tensley to escort the Choir members into the chamber.

Mr. Speaker thanked the Choir and wished them luck at their upcoming competition in Spokane.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 71 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 85

Nays: Boniek, Brown, Butcher, Hawk, Kasten, Kerns, McGillvray, Mendenhall, More, Randall, Regier, Sales, Vance, Wagner, Mr. Speaker.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 80 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 76

Nays: Bean, P. Beck, Blasdel, Boniek, Brown, Butcher, Driscoll, Hawk, Jones, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Sales, Smith, Sonju, Villa, Wagner, Warburton.

Total 23

Excused: None.

Total 0

Absent or not voting: Howard.

Total 1

HB 94 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 99

Nays: Wiseman.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 108 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: Bennett, Berry, Brown, Howard, Kerns, MacLaren, McGillvray, Mendenhall, Milburn, Miller, Randall, Taylor, Wagner, Warburton.

Total 14

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 140 passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Mr. Speaker.

Total 80

Nays: Barrett, Becker, Blewett, Boss Ribs, Caferro, Dickenson, Hands, Henry, Jopek, Kottel, MacDonald, Malek, McAlpin, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Van Dyk, Wilson, Wiseman.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 156 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 51

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 48

Excused: None.

Total 0

Absent or not voting: Hoven.

Total 1

HB 247 passed as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French,

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Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: Mendenhall, Stoker.
Total 2

Excused: None.
Total 0

Absent or not voting: Arntzen.
Total 1

HB 270 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 84

Nays: Bean, Blasdel, Boniek, Butcher, Hawk, Kasten, Kerns, Lake, More, Morgan, Randall, Regier, Sales, Sonju, Stoker, Vincent.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 286 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wiseman, Mr. Speaker.
Total 95

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Nays: Kerns, Milburn, Stoker, Washburn, Wilson.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 304 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 92

Nays: Boniek, Brown, Kasten, Kerns, Morgan, Peterson, Sales, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 373 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Boniek, Kasten, Kerns, Mendenhall, Regier, Sales.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 374 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 82

Nays: Bean, Bennett, Boniek, Brown, Butcher, Hawk, Hoven, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, Pease-Lopez, Randall, Sales, Wagner, Warburton.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

COMMUNICATIONS AND PETITIONS

Rep. Sue Malek
1400 Prairie Way
Missoula, MT 59802

Dear Rep. Malek,

I am pleased to be able to appoint you as a commissioner of the Education Commission of the States pursuant to 20-2-502 MCA.

The term of each commissioner is four years and legislators serve until the expiration of their terms.

Sincerely,

Bob Bergren, Speaker
Montana House of Representatives.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman): 2/11/2009
HB 291, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Van Dyk, Chairman): 2/11/2009
HB 74, do pass. Report adopted.
HB 317, do pass. Report adopted.
HB 366, do pass. Report adopted.

JUDICIARY (Stoker, Chairman): 2/11/2009
HB 293, do pass. Report adopted.

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HB 340, do pass. Report adopted.
HB 345, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 2/11/2009

SB 71, introduced by Erickson

SB 83, introduced by Laible

SB 204, introduced by Moss

SB 243, introduced by Balyeat, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

2/11/2009

Yeas - 23

Nays - 27

SB 276, introduced by Squires

Senate joint resolution passed and transmitted to the House for concurrence: 2/11/2009

SJR 9, introduced by Gallus

MESSAGES FROM THE GOVERNOR

February 10, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Speaker Bergren:

Please be informed that I have signed **Senate Bill 7** sponsored by Senator Gebhardt, **Senate Bill 10** sponsored by Senator Perry, and **Senate Bill 11** sponsored by Senator J. Peterson on February 10, 2009.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 544, introduced by Vincent, Wilson, referred to Business and Labor.

HB 545, introduced by Vincent, Wilmer, referred to Local Government.

HB 546, introduced by Pomnichowski, referred to State Administration.

HB 547, introduced by McChesney, Stahl, referred to State Administration.

HB 548, introduced by McAlpin, A. Noonan, O'Hara, Fleming, Wilson, referred to Agriculture.

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HB 549, introduced by Dickenson, Becker, Boland, Campbell, Cohenour, Dickenson, Ebinger, French, Grinde, Hamilton, Henry, MacDonald, Malek, McAlpin, McClafferty, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Erickson, referred to Human Services.

HB 550, introduced by Sands, Juneau, Boss Ribs, Malek, Kaufmann, Caferro, Steenson, Stewart-Peregoy, Erickson, Pease-Lopez, Roundstone, Fleming, Boland, Belcourt, Wilmer, MacDonald, Driscoll, Grinde, Hamilton, McClafferty, Branae, Larsen, Jent, Ebinger, Williams, Hamlett, J. Tropila, Wanzenried, Windy Boy, Moss, referred to Appropriations.

HB 551, introduced by Getz, Larsen, Murphy, Shockley, Zinke, Butcher, Fleming, Getz, Jopek, Randall, Roundstone, referred to Agriculture.

HB 552, introduced by Mehlhoff, Jones, Blewett, referred to Judiciary.

HB 553, introduced by Howard, More, referred to State Administration.

HB 554, introduced by Howard, referred to Judiciary.

HB 555, introduced by Cohenour, Malek, Grinde, Campbell, Fleming, Hamilton, A. Noonan, referred to Education.

HB 556, introduced by MacLaren, referred to State Administration.

HB 557, introduced by Belcourt, referred to Natural Resources.

HB 558, introduced by McChesney, Ankney, Campbell, Getz, Hamilton, Hunter, McAlpin, Reinhart, referred to Fish, Wildlife and Parks.

HB 559, introduced by Himmelberger, referred to Fish, Wildlife and Parks.

HB 560, introduced by Cohenour, referred to Natural Resources.

HB 561, introduced by Cohenour, referred to Transportation.

HB 562, introduced by Cohenour, referred to Taxation.

HB 563, introduced by Kottel, referred to Transportation.

HB 564, introduced by Wagner, referred to Local Government.

HB 565, introduced by Furey, Fleming, Furey, Roberts, Hawks, Larsen, Shockley, Steinbeisser, Zinke, referred to Business and Labor.

HB 566, introduced by Jones, Windy Boy, Ankney, Sesso, Keane, referred to Federal Relations, Energy, and Telecommunications.

HB 567, introduced by Sonju, referred to Transportation.

HB 568, introduced by Roberts, referred to Business and Labor.

HB 569, introduced by Hands, Villa, referred to Appropriations.

HB 570, introduced by Berry, referred to State Administration.

HB 571, introduced by Reichner, referred to Business and Labor.

HB 572, introduced by Pomnichowski, Roundstone, Ankney, Gillan, Furey, Branae, Belcourt, Nooney, McAlpin, Fleming, Getz, Wiseman, Hawks, Wilmer, Moss, referred to Business and Labor.

HB 573, introduced by Pomnichowski, referred to Transportation.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 21, introduced by D. Brown, referred to Fish, Wildlife and Parks.

HJR 22, introduced by O'Hara, Ankney, Augare, Bean, Blewett, Boland, Campbell, Cohenour, Ebinger, French, Getz, Grinde, Himmelberger, Hollandsworth, Jones, Kottel, Malek, Mehlhoff, Miller, Nooney, Sands, Smith, Van Dyk, Warburton, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Essmann, Gallus, Hamlett, Hansen, Hawks, Kaufmann, Keane, Larsen, Laslovich, Lewis, McGee, Murphy, J. Peterson, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, referred to State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

SB 71, introduced by Erickson, referred to Natural Resources.

SB 83, introduced by Laible, referred to Human Services.

SB 204, introduced by Moss, Steinbeisser, referred to Agriculture.

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SB 243, introduced by Balyeat, Ankney, Arntzen, Bales, Barkus, De. Barrett, Bennett, Boniek, Brenden, T. Brown, Curtiss, Himmelberger, Jackson, Laible, McGillvray, McNutt, Murphy, Perry, K. Peterson, Randall, Ripley, Smith, Steinbeisser, Welborn, referred to State Administration.

SB 276, introduced by Squires, referred to State Administration.

The following Senate Joint Resolutions were introduced, read first time, and referred to committees:

SJR 9, introduced by Erickson, referred to Education.

Rep. Phillips requested a Democratic caucus for 10 minutes.

Rep. Menahan announced that the Republicans will stand at ease in the House chambers.

Mr. Speaker announced the House will stand at ease for 10 minutes at 1:25 p.m.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Phillips in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 27 - Representative Wiseman moved **HB 27** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 62

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Peterson, Randall, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 37

Excused: None.

Total 0

Absent or not voting: Regier.

Total 1

HB 63 - Representative Pomnichowski moved **HB 63** do pass. Motion **failed** as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman.

Total 46

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Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 133 - Representative Stoker moved **HB 133** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Becker, Boniek, Hawk, Kasten, Randall, Roundstone, Sales.

Total 7

Excused: None.

Total 0

Absent or not voting: Himmelberger, Washburn.

Total 2

HB 166 - Representative Menahan moved **HB 166** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 51

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 49

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 194 - Representative Mendenhall moved **HB 194** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 96

Nays: Augare, Boss Ribs, Dickenson, Mr. Speaker.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 216 - Representative Menahan moved **HB 216** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Berry, Blasdel, Blewett, Boland, Boniek, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman.
Total 75

Nays: Augare, Belcourt, Bennett, Boss Ribs, Brown, Butcher, Campbell, Glaser, Jones, Kasten, Kerns, Klock, Mendenhall, Miller, More, Pease-Lopez, Randall, Roundstone, Sales, Stoker, Vance, Vincent, Wagner, Washburn, Mr. Speaker.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 243 - Representative Hunter moved **HB 243** do pass.

HB 243 - Representative Hunter moved **HB 243**, second reading copy, be amended as follows:

1. Page 3.

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Following: line 5

Insert: "(4) The study and report must be completed within the budget approved for the department of public health and human services for the biennium beginning July 1, 2009."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Brown, Regier, Washburn.

Total 3

Excused: None.

Total 0

Absent or not voting: O'Hara.

Total 1

HB 243 - Representative Hunter moved **HB 243** as amended do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Boniek, Hawk, Kerns, Regier, Sales.

Total 5

Excused: None.

Total 0

Absent or not voting: Hendrick.

Total 1

SB 115 - Representative Cohenour moved **SB 115** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming,

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French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Boniek, Ingraham, Kerns, Stahl, Wagner, Warburton.
Total 6

Excused: None.
Total 0

Absent or not voting: Jopek.
Total 1

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 87

Nays: Boniek, Hawk, Lake, Mendenhall, More, Sales, Sonju, Stahl, Vance, Vincent.
Total 10

Excused: McClafferty.
Total 1

Absent or not voting: Phillips, Randall.
Total 2

MOTIONS

Rep. Campbell moved that **HB 166** be moved to the Appropriations Committee. Motion carried.
Rep. Campbell moved that **HB 194** be moved to the Appropriations Committee. Motion carried.
Rep. Campbell moved that **HB 216** be moved to the Appropriations Committee. Motion carried.
Rep. Campbell moved that **HB 243** be moved to the Appropriations Committee.
Rep. Morgan objected to motion.
Rep. Campbell withdrew her last motion.

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SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HB 523** Motion carried.

HB 523 (Reinhart Chief Sponsor)

Representatives Hamilton, Hands, MacDonald, Malek, McAlpin, Pease-Lopez, Pomnichowski, Van Dyk and Senators Erickson, Juneau, Kaufmann.

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HB 524** Motion carried.

HB 524 (Reinhart Chief Sponsor)

Representatives Boland, Cohenour, Fleming, Hamilton.

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HB 234** Motion carried.

HB 534 (Campbell Chief Sponsor)

Representatives Kottel.

ANNOUNCEMENTS

Mr. Speaker announced that a transmittal agreement has been reached with the Senate.

All bills referred to the House Appropriations committee will be subject to the 67th day transmittal deadline in addition to any bills in other committees designated as appropriations bills.

All bills referred to the House Taxation committee will be subject to the 71st day transmittal deadline in addition to bills in all other committees designated as revenue bills.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Thursday, February 12, 2009. Motion carried.

House adjourned at 2:34 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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61ST LEGISLATURE
THIRTY-THIRD LEGISLATIVE DAY**

Helena, Montana
February 12, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Bean. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Lake asked for a moment of silence to honor Rep. Butcher's wife's mother. A moment of silence ensued.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman): 2/12/2009

HB 163, do pass. Report adopted.

HB 273, do pass. Report adopted.

HB 294, do pass. Report adopted.

HB 384, do pass. Report adopted.

SB 18, do pass. Report adopted.

HUMAN SERVICES (Becker, Chairman): 2/12/2009

HJR 17, do pass. Report adopted.

JUDICIARY (Stoker, Chairman): 2/12/2009

HB 372, introduced bill, be amended as follows:

1. Title, line 6 through line 7.

Strike: "REQUIRING" on line 6 through "CASES;"

2. Page 1, line 15.

Strike: "based on undue hardship must"

Insert: "may"

3. Page 1, line 17.

Strike: "infirm"

Insert: "special needs"

Strike: "or a child"

4. Page 1, line 25 through line 28.

Strike: "If" on line 25 through "court." on line 28

And, as amended, do pass. Report adopted.

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HB 397, introduced bill, be amended as follows:

1. Title, line 5.

Strike: the first "GRANDPARENTS"

Insert: "CLOSE RELATIVES"

Strike: "THE GRANDPARENTS"

Insert: "THOSE RELATIVES"

Strike: "GRANDCHILD"

Insert: "RELATIVE'S CHILD"

2. Page 2, line 3.

Strike: "grandparents"

Insert: "close relatives of a child"

3. Page 2, line 4.

Strike: "the grandparents"

Insert: "those relatives"

4. Page 2, line 4.

Strike: "grandchild is to be"

Insert: "relative's child has been"

5. Page 2, line 5.

Strike: "parents, grandparents, and children"

Insert: "child and the child's parents and may contain the names of the child's grandparents, aunts, uncles, adult brothers, and adult sisters"

6. Page 2, line 6.

Strike: "parents, grandparents, and children"

Insert: "child and parents and any of the relatives whose names appear in the registry"

7. Page 2, line 7.

Strike: "before"

Insert: "on the first working day after"

8. Page 2, line 8.

Following: "registry."

Insert: "The fee may be charged only to those persons whose names are voluntarily entered in the registry."

And, as amended, do pass. Report adopted.

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LOCAL GOVERNMENT (Arntzen, Chairman):

2/12/2009

HB 321, do pass. Report adopted.

HB 324, introduced bill, be amended as follows:

1. Page 1, line 11.

Following: "may"

Insert: "request to"

2. Page 1, line 12.

Strike: "The purchase" through "value."

Insert: "If the request is accepted, the parties shall agree on the purchase price, not to exceed fair market value."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

2/12/2009

HB 12, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "EMPLOYER"

2. Title, page 1, line 7.

Following: "SYSTEM"

Insert: ", "

3. Title, page 1, lines 8 and 9.

Strike: the first "AND" on line 8

Following: "SYSTEM" on line 8

Insert: ", "

Strike: "; " on line 8 through "UNDER" on line 9

Insert: "AND"

4. Title, page 1, line 10.

Strike: "19-3-1106,"

Insert: "19-3-319,"

Strike: "19-13-604,"

5. Page 1, line 15.

Strike: everything after the enacting clause

Insert: "Section 1. Section 19-3-316, MCA, is amended to read:

"19-3-316. Employer contribution rates. (1) Each employer shall contribute to the system. Except as provided in subsection (2), the employer shall pay as employer contributions 6.9% of the compensation paid to all of the employer's employees ~~plus any additional contribution under subsection (3), except for those employees properly excluded from membership~~ who are active members of the retirement system. Of employer contributions made under this subsection for both defined benefit plan and defined contribution plan members, a portion must be allocated for educational programs as provided in 19-3-112. Employer contributions for members under the defined contribution plan must be allocated as provided in 19-3-2117.

(2) Local government and school district employer contributions must be the total employer contribution rate provided in subsection (1) minus the state contribution rates under 19-3-319.

(3) Subject to subsection (4), each employer shall contribute to the system an additional employer contribution equal to ~~the following percentage~~ 0.27% of the compensation paid to all of the employer's employees;

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~~except for those employees properly excluded from membership:~~

~~— (a) beginning July 1, 2007, 0.135%; and~~

~~— (b) beginning July 1, 2009, 0.27% who are active members of the retirement system.~~

(4) (a) The board shall periodically review the additional employer contribution provided for under subsection (3) and recommend adjustments to the legislature as needed to maintain the amortization schedule set by the board for payment of the system's unfunded liabilities.

(b) The employer contribution required under subsection (3) terminates on July 1 immediately following the system's actuarial valuation if:

(i) the actuarial valuation determines that the period required to amortize the system's unfunded liabilities, including adjustments made for any benefit enhancements enacted by the legislature after the valuation, is less than 25 years; and

(ii) terminating the additional employer contribution would not cause the amortization period as of the most recent actuarial valuation to exceed 25 years."

Insert: "Section 2. Section 19-3-319, MCA, is amended to read:

"19-3-319. State contributions for local government and school district employers. (1) The state shall contribute monthly from the general fund to the pension trust fund a sum equal to 0.1% of the compensation paid to all employees of local government entities and school districts ~~on and after July 1, 1997, except those employees properly excluded from membership~~ who are active members of the retirement system.

(2) (a) Subject to subsection (2)(b), in addition to the contribution required under subsection (1), the state shall contribute monthly from the general fund to the pension trust fund a sum equal to ~~the following percentage 0.27%~~ of the compensation paid to all employees of school districts ~~on and after July 1, 2007, except for those employees properly excluded from membership:~~

~~— (i) beginning July 1, 2007, 0.135%; and~~

~~— (ii) beginning July 1, 2009, 0.27% who are active members of the retirement system.~~

(b) The additional contribution under subsection (2)(a) terminates when the additional contribution under 19-3-316(3) terminates.

(3) The board shall certify amounts due under this section on a monthly basis, and the state treasurer shall transfer those amounts to the pension trust fund within 1 week. The payments in this section are statutorily appropriated as provided in 17-7-502."

Insert: "NEW SECTION. Section 3. Contributions required for retirees who return to work. (1) Beginning July 1, 2009, each state employer shall contribute the amount specified in 19-3-316 for retired members who return to work in a covered position but who, under the provisions of 19-3-1106, have not become active members.

(2) Beginning July 1, 2013, contracting local governments and school districts shall contribute the amounts specified 19-3-316 for retired members who return to work in a covered position but who, under the provisions of 19-3-1106, have not become active members.

(3) Beginning July 1, 2009, the state shall contribute the amounts specified in 19-3-319 for local government and school district employees who are retired members and have returned to work in a covered position but who, under the provisions of 19-3-1106, have not become active members."

Insert: "Section 4. Section 19-7-404, MCA, is amended to read:

"19-7-404. Employer contributions. (1) Each employer shall pay 9.535% of the compensation paid to all of the employer's employees ~~plus any additional contribution under subsection (3), except for those employees properly excluded from membership~~ who are active members of the retirement system.

(2) If the required contribution to the retirement system exceeds the funds available to a county from general revenue sources, a county may, subject to 15-10-420, budget, levy, and collect annually a tax on the taxable value of all taxable property within the county that is sufficient to raise the amount of revenue needed to meet the county's obligation.

(3) Subject to subsection (4), each employer shall contribute to the system an additional employer contribution equal to ~~the following percentage 0.58%~~ of the compensation paid to all of the employer's employees; ~~except for those employees properly excluded from membership:~~

~~— (a) beginning July 1, 2007, 0.29%; and~~

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~~(b) beginning July 1, 2009, 0.58% who are active members of the retirement system.~~

(4) (a) The board shall periodically review the additional employer contribution provided for under subsection (3) and recommend adjustments to the legislature as needed to maintain the amortization schedule set by the board for payment of the system's unfunded liabilities.

(b) The employer contribution required under subsection (3) terminates on July 1 immediately following the system's actuarial valuation if:

(i) the actuarial valuation determines that the period required to amortize the system's unfunded liabilities, including adjustments made for any benefit enhancements enacted by the legislature after the valuation, is less than 25 years; and

(ii) terminating the additional employer contribution would not cause the amortization period as of the most recent actuarial valuation to exceed 25 years."

Insert: "Section 5. Section 19-7-1101, MCA, is amended to read:

"19-7-1101. Reemployment of retired member -- employer contributions required. (1) A retired member who returns to service for 480 hours or more in a calendar year must become an active member of the system. Upon reinstatement as an active member, benefit payments must cease until subsequent retirement.

(2) A retired member who returns to service for less than 480 hours in a calendar year may not become an active member. The retirement benefit of a retired member employed in service must be reduced by \$1 for each \$3 earned in excess of \$5,000 in a calendar year.

(3) The employer of a retired member who is returning to work pursuant to subsection (2) and who is not an active member shall contribute the amounts specified in 19-7-404."

Insert: "Section 6. Section 19-13-301, MCA, is amended to read:

"19-13-301. Active membership -- inactive vested member -- inactive nonvested member. (1) Except as provided in subsection (7), a full-paid firefighter becomes an active member of the retirement system:

(a) on the first day of the firefighter's service with an employer;

(b) on July 1, 1981, if the firefighter is employed by an employer on that date; or

(c) in the case of an employer who elects to join the retirement system, as provided in 19-13-211, on the effective date of the election if the firefighter is employed by the employer on that date.

(2) Upon becoming eligible for membership, the firefighter shall complete the forms and furnish any proof required by the board.

(3) A part-paid firefighter may elect to become a member of the retirement system by filing a membership application with the board within 6 months of becoming a part-paid firefighter.

(4) An active member becomes an inactive member upon the occurrence of the earliest of the following:

(a) the date on which the member ceases service with an employer;

(b) the 31st day of an approved absence from active duty with an employer; or

(c) the date on which the member ceases to be employed because of a reduction of the number of firefighters in the fire department as provided in 7-33-4125.

(5) (a) An inactive member with at least 5 years of membership service is an inactive vested member and retains the right to purchase service credit and to receive a retirement benefit under the provisions of this chapter.

(b) If an inactive vested member chooses to take a lump-sum payment rather than a retirement benefit, the lump-sum payment consists of only the member's accumulated contributions and not the employer's contributions.

(6) (a) An inactive member with less than 5 years of membership service is an inactive nonvested member and is not eligible for any benefits from the retirement system.

(b) An inactive nonvested member is eligible only for a refund of the member's accumulated contributions.

(7) (a) A firefighter previously employed in a position covered under the public employees' retirement system and who is first hired into a position covered under the firefighters' unified retirement system after attaining 45 years of age may elect to remain in the public employees' retirement system.

(b) A firefighter making an election to remain in the public employees' retirement system shall make the election in a manner prescribed by the board within 30 days of being hired into the position otherwise covered under the firefighters' unified retirement system.

~~(8) A retired member who is receiving a service retirement benefit or early retirement benefit may return~~

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to employment covered by the retirement system for a period not to exceed 480 hours in any calendar year without returning to active service and without any effect to the retiree's retirement benefit."

Insert: "Section 7. Section 19-13-605, MCA, is amended to read:

"19-13-605. Employer contribution. Each employer shall make its contribution on behalf of members through the city treasurer or other appropriate official from money available for this purpose. The employer shall pay as employer contributions 14.36% of the compensation paid to all of the employer's employees, ~~except those properly excluded from membership~~ who are active members of the retirement system. All contributions are payable monthly to the board, which shall, as soon as practicable after their receipt, deposit them in the pension trust fund."

Insert: "NEW SECTION. **Section 8. Reemployment of retired member -- contributions required.** (1) A retired member may, without returning to active service, return to work in a covered position for a period not to exceed 480 hours in any calendar year without affecting the retiree's retirement benefit.

(2) If a retired member returns to work in a covered position for more than 480 hours in a calendar year, the member returns to active service and the member's retirement benefits must cease until the member again terminates employment and retires.

(3) For each retired member who returns to work pursuant to subsection (1), the employer shall contribute the amount specified in 19-13-605 and the state shall contribute the amount specified in 19-13-604."

Insert: "NEW SECTION. **Section 9. Codification instruction.** (1) [Section 3] is intended to be codified as an integral part of Title 19, chapter 3, part 11, and the provisions of Title 19, chapter 3, part 11, apply to [section 3].

(2) [Section 8] is intended to be codified as an integral part of Title 19, chapter 13, and the provisions of Title 19, chapter 13, apply to [section 8]."

Insert: "NEW SECTION. **Section 10. Effective date.** [This act] is effective July 1, 2009."

And, as amended, do pass. Report adopted.

HB 34, introduced bill, be amended as follows:

1. Title, page 1, line 10.

Following: "SECTIONS"

Insert: "19-20-501,"

2. Page 2.

Following: line 25

Insert: "**Section 2.** Section 19-20-501, MCA, is amended to read:

"19-20-501. Financial administration of money. The members of the retirement board are the trustees of all money collected for the retirement system, and as trustees, they shall provide for the financial administration of the money as provided in Article VIII, section 15, of the Montana constitution in the following manner:

(1) The money must be invested and reinvested by the state board of investments.

(2) The retirement board shall annually establish the rate of regular interest.

(3) In accordance with the provisions of 19-20-605~~(7)~~(8), the amount to be credited to each reserve must be allocated from the interest and other earnings on the money of the retirement system actually realized during the preceding fiscal year, less the amount allocated to administrative expenses. The administrative expenses of the retirement system, less amortization of intangible assets, may not exceed 1.5% of retirement benefits paid.

(4) The state treasurer is the custodian of the collected retirement system money and of the securities in which the money is invested.

(5) For purposes of Article VIII, section 12, of the Montana constitution, all the reserves established by part 6 of this chapter must be accounts in the pension trust fund type of the treasury fund structure of the state.

(6) Benefits and refunds to eligible recipients are payable pursuant to a contract as contained in statute. Unless specifically provided for by statute, the contract does not contain revisions to statutes after the time of retirement or termination."

Renumber: subsequent sections

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3. Page 3, line 3.

Strike: "and retired member"

4. Page 3, line 8.

Strike: "and retired member"

5. Page 3.

Following: line 10

Insert: "(4) Beginning July 1, 2013, for each retired member who returns to covered employment under the provisions of 19-20-731 during all or part of the preceding payroll period, the employer shall pay into the pension accumulation account an amount equal to 9.85% of the total earned compensation paid to the retired member."

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

TAXATION (Lake, Chairman):

2/12/2009

HB 428, do pass. Report adopted.

TRANSPORTATION (Sonju, Chairman):

2/12/2009

HB 306, do pass. Report adopted.

HB 387, introduced bill, be amended as follows:

1. Page 1, line 29.

Following: "new"

Strike: "or used"

And, as amended, do pass. Report adopted.

SB 88, be concurred in as amended as follows.

1. Page 15, line 8.

Strike: "JURISDICTION"

Insert: "authority"

2. Page 15.

Following: line 10

Insert: "(7) A local authority shall consult with district officials for a school when:

(a) establishing or altering the area of a school zone near the school; or

(b) setting a speed limit pursuant to subsection (1)(d) in a school zone near the school."

And, as amended, be concurred in. Report adopted.

SB 152, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/12/2009

SB 49, introduced by Wanzonried

SB 62, introduced by Laible

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SB 281, introduced by Shockley
SB 311, introduced by Gallus
SB 340, introduced by Laslovich
SB 341, introduced by Laslovich

Senate joint resolution passed and transmitted to the House for concurrence:

2/12/2009

SJR 17, introduced by Perry

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 574, introduced by Vincent, referred to Judiciary.
HB 575, introduced by McChesney, Ankney, Augare, Kerns, MacLaren, McChesney, McNutt, Sesso, Steenson, Bales, Keane, referred to Agriculture.
HB 576, introduced by Warburton, O'Hara, Nooney, Vance, McGillvray, Getz, K. Peterson, Washburn, Klock, MacLaren, Mendenhall, Taylor, Blasdel, referred to State Administration.
HB 577, introduced by Caferro, Henry, Sands, referred to Appropriations.
HB 578, introduced by Caferro, referred to Human Services.
HB 579, introduced by Caferro, Kaufmann, Sands, referred to Business and Labor.
HB 580, introduced by Caferro, Sands, referred to Business and Labor.
HB 581, introduced by Caferro, referred to Business and Labor.
HB 582, introduced by Caferro, De. Barrett, B. Beck, Belcourt, Boss Ribs, Caferro, Dickenson, Hands, Hiner, A. Noonan, Roundstone, Sands, Sesso, Van Dyk, Wiseman, referred to Business and Labor.
HB 583, introduced by Fleming, French, Black, Brueggeman, Getz, Campbell, Taylor, Grinde, Steinbeisser, Keane, Warburton, referred to Agriculture.
HB 584, introduced by A. Noonan, referred to Federal Relations, Energy, and Telecommunications.
HB 585, introduced by McClafferty, Arntzen, Augare, B. Beck, Belcourt, Dickenson, Ebinger, Hamilton, Hiner, Hollenbaugh, Howard, MacDonald, Malek, Mehlhoff, P. Noonan, Pease-Lopez, Roundstone, Sesso, Villa, Wilmer, Wilson, referred to Fish, Wildlife and Parks.
HB 586, introduced by B. Beck, referred to Appropriations.
HB 587, introduced by Howard, referred to Business and Labor.
HB 588, introduced by Ankney, Berry, referred to Taxation.
HB 589, introduced by Pomnichowski, referred to Business and Labor.
HB 590, introduced by Wilmer, referred to State Administration.
HB 591, introduced by Pease-Lopez, referred to State Administration.
HB 592, introduced by Randall, Getz, Bean, Boniek, Taylor, Hinkle, referred to Agriculture.
HB 593, introduced by Villa, Gallus, Hiner, Sesso, A. Noonan, Keane, McClafferty, P. Noonan, Laslovich, referred to Federal Relations, Energy, and Telecommunications.
HB 594, introduced by Hunter, Zinke, referred to State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

SB 49, introduced by Wanzenried, referred to State Administration.
SB 62, introduced by Laible, referred to Natural Resources.
SB 281, introduced by Shockley, J. Peterson, referred to Judiciary.
SB 311, introduced by Gallus, referred to Judiciary.
SB 340, introduced by Laslovich, referred to Judiciary.
SB 341, introduced by Laslovich, referred to Judiciary.

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The following Senate Joint Resolutions were introduced, read first time, and referred to committees:

SJR 17, introduced by Perry, referred to Agriculture.

Rep. Mendenhall requested a caucus for the House Republicans for 10 minutes.

Rep. Phillips announced the House Democrats will stand at ease.

Mr. Speaker announced that the House will be in recess until 1:20 p.m.

Mr. Speaker called the House to order at 1:32

REPORTS OF STANDING COMMITTEES

JUDICIARY (Stoker, Chairman):

2/12/2009

HB 246, introduced bill, be amended as follows:

1. Page 3, line 26 through line 30.

Following: "general."

Strike: subsection (1) in its entirety

2. Page 4, line 1.

Strike: "(2)"

And, as amended, do pass. Report adopted.

HB 288, introduced bill, be amended as follows:

1. Title, line 4.

Following: "BANNING"

Insert: "REPRODUCTIVE"

2. Page 1.

Following: line 20

Insert: "(6) "Reproductive human cloning" means human cloning intended to result in the gestation or birth of a child who is genetically identical to another conceptus, embryo, fetus, or human being, living or dead."

Renumber: subsequent subsection

3. Page 1, line 26.

Following: the second "perform"

Insert: "reproductive"

4. Page 1, line 27.

Following: "perform"

Insert: "reproductive"

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5. Page 1, line 28.

Strike: "produced by"

Insert: "for reproductive"

6. Page 1, line 30.

Following: "of"

Insert: "reproductive"

And, as amended, do pass. Report adopted.

HB 403, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 595, introduced by Caferro, referred to Federal Relations, Energy, and Telecommunications.

HB 596, introduced by Henry, Noonan, Henry, Larson, Wilmer, Villa, McAlpin, French, Pomnichowski, Steenson, Sesso, Barrett, Boland, Hands, Sands, Cohenour, Boss Ribs, Grinde, Reinhart, Malek, Becker, Kaufman, McDonald, Driscoll, Augare, referred to Human Services.

HB 597, introduced by Kerns, referred to Federal Relations, Energy, and Telecommunications.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 27 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 63

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Peterson, Pomnichowski, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 37

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 133 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Becker, Boniek, Kasten, Randall, Roundstone, Sales, Wagner.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 243 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 92

Nays: Bennett, Boniek, Hawk, Howard, Kerns, Lake, Regier, Sales.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 115 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald,

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MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Boniek, Ingraham, Kerns, McGillvray, Mendenhall, Miller, Peterson, Randall, Sales, Smith, Stahl, Wagner, Warburton.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative MacLaren in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 160 - Representative Furey moved **HB 160** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Blasdel, Hawk, Kasten, Kerns, Mendenhall, More, Randall, Sales, Sonju, Stoker, Warburton.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 274 - Representative Hamilton moved **HB 274** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A.

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Noonan, P. Noonan, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 52

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 278 - Representative McChesney moved **HB 278** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 62

Nays: Barrett, Becker, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hollenbaugh, Jopek, Kottel, MacDonald, Malek, McClafferty, A. Noonan, P. Noonan, Nooney, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman.

Total 37

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

HB 285 - Representative Reinhart moved **HB 285** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

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Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Rep. Campbell moved to pass consideration on **HB 328** for the day. Motion carried.

HB 340 - Representative MacDonald moved **HB 340** do pass.

HB 340 - Representative More moved **HB 340**, second reading copy, be amended as follows:

1. Page 1, line 22.

Following: "race"

Insert: "; and"

WHEREAS, the character demonstrated by former slaves should inspire us in this country to give thanks for the freedom won by so many people in all nations cherishing liberty and to strive for the goals of bringing freedom and democracy to people of other countries no matter what their race or religion

2. Page 1, line 27.

Following: "slavery"

Insert: ", to celebrate the freedom won by people in many countries, and to rededicate ourselves to the cause of liberty for people who yet suffer from tyranny and oppression"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Taylor, Vance, Van Dyk, Vincent, Wagner, Washburn, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: B. Beck, Boniek, Cohenour, Hands, Hollandsworth, Kasten, Reichner, Sales, Stahl, Stoker, Villa, Warburton.
Total 12

Excused: None.
Total 0

Absent or not voting: A. Noonan, Welborn, Wilmer.
Total 3

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HB 340 - Representative MacDonald moved **HB 340** as amended do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, More, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 51

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 365 - Representative Roberts moved **HB 365** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: B. Beck, Brown, Hawk, Kasten, Lake, Mendenhall, Miller, Sales, Sonju.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 367 - Representative McGillvray moved **HB 367** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl,

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Stenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 97

Nays: Hawk, Mr. Speaker.

Total 2

Excused: None.

Total 0

Absent or not voting: P. Beck.

Total 1

HB 400 - Representative Kottel moved **HB 400** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Sales, Sands, Sesso, Sonju, Stahl, Stenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 83

Nays: Arntzen, Augare, Belcourt, Boss Ribs, Caferro, Hawk, Hendrick, Howard, Ingraham, Lake, McGillvray, Peterson, Regier, Reichner, Roundstone, Smith, Stoker.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 4 - Representative Vincent moved **HJR 4** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 53

Nays: Augare, Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 47

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman MacLaren moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Van Dyk, Vincent, Wagner, Warburton, Washburn, Wilson, Wiseman, Mr. Speaker.

Total 83

Nays: Hawk, Hollenbaugh, Mendenhall, More, Randall, Regier, Sales, Vance, Villa.

Total 9

Excused: Wilmer.

Total 1

Absent or not voting: Ankney, Arntzen, Himmelberger, MacLaren, Smith, Stahl, Welborn.

Total 7

REPORTS OF STANDING COMMITTEES

EDUCATION (Grinde, Chairman):

2/12/2009

HB 332, introduced bill, be amended as follows:

1. Page 1, line 25.

Following: "cooperatives."

Insert: "Adequate notice of the meeting as well as an agenda must be provided to the public in advance."

2. Page 2, line 4.

Strike: "subsection (3)"

Insert: "this section"

3. Page 2, line 7.

Following: "district"

Insert: "or violation of the student code of conduct, as defined in accordance with district policy, within a week of graduation"

4. Page 2, line 23.

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Following: "~~the trustees of~~"

Insert: "the trustees of"

5. Page 2, line 25.

Following: "activities"

Strike: "as defined in and in accordance with district policy"

Strike: "district"

Insert: "trustees"

6. Page 2, line 27.

Strike: "board, the superintendent, or the principal has"

Insert: "trustees have"

7. Page 2, lines 28 and 29.

Following: "infraction." on line 28

Strike: remainder of line 28 through line 29 in their entirety

And, as amended, do pass. Report adopted.

JUDICIARY (Stoker, Chairman):

2/12/2009

HB 235, introduced bill, be amended as follows:

1. Title, line 7.

Following: "15-30-101,"

Insert: "15-31-101, 15-31-102,"

2. Page 6.

Following: line 13

Insert: "**Insert: "Section 2.** Section 15-31-101, MCA, is amended to read:

"15-31-101. Organizations subject to tax. (1) The term "corporation" includes an association, joint-stock company, common-law trust or business trust that does business in an organized capacity, all other corporations whether created, organized, or existing under and pursuant to the laws, agreements, or declarations of trust of any state, country, or the United States, and any limited liability company, low-profit limited liability company, limited liability partnership, partnership, or other entity that is treated as an association for federal income tax purposes and that is not a disregarded entity.

(2) The terms "engaged in business" and "doing business" both mean actively engaging in any transaction for the purpose of financial or pecuniary gain or profit.

(3) Except as provided in 15-31-103 or 33-2-705(4) or as may be otherwise specifically provided, every corporation engaged in business in the state of Montana shall annually pay to the state treasurer as a license fee for the privilege of carrying on business in this state the percentage or percentages of its total net income for the preceding taxable year at the rate set forth in this chapter. In the case of corporations having income from business activity which is taxable both within and outside of this state, the license fee must be measured by the net income derived from or attributable to Montana sources as determined under part 3. Except as provided in 15-31-502, this

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tax is due and payable on the 15th day of the 5th month following the close of the taxable year of the corporation. However, the tax becomes a lien as provided in this chapter on the last day of the taxable year in which the income was earned and is for the privilege of carrying on business in this state for the taxable year in which the income was earned.

(4) Every bank organized under the laws of the state of Montana, of any other state, or of the United States and every savings and loan association organized under the laws of this state or of the United States is subject to the Montana corporation license tax provided for under this chapter. For taxable years beginning on and after January 1, 1972, this subsection is effective in accordance with Public Law 91-156, section 2 (12 U.S.C. 548)."

Insert: "Section 3. Section 15-31-102, MCA, is amended to read:

"15-31-102. Organizations exempt from tax -- unrelated business income not exempt. (1) Except as provided in subsection (3), there may not be taxed under this title any income received by any:

- (a) labor, agricultural, or horticultural organization;
 - (b) fraternal beneficiary, society, order, or association operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system and providing for the payment of life, sick, accident, or other benefits to the members of the society, order, or association or their dependents;
 - (c) cemetery company owned and operated exclusively for the benefit of its members;
 - (d) corporation or association organized and operated exclusively for religious, charitable, scientific, or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual;
 - (e) business league, chamber of commerce, or board of trade not organized for profit, no part of the net income of which inures to the benefit of any private stockholder or individual;
 - (f) civic league or organization not organized for profit but operated exclusively for the promotion of social welfare;
 - (g) club organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, no part of the net income of which inures to the benefit of any private stockholder or members;
 - (h) farmers' or other mutual hail, cyclone, or fire insurance company, mutual ditch or irrigation company, mutual or cooperative telephone company, or similar organization of a purely local character, the income of which consists solely of assessments, dues, and fees collected from members for the sole purpose of meeting its expenses;
 - (i) cooperative association or corporation engaged in the business of operating a rural electrification system or systems for the transmission or distribution of electrical energy on a cooperative basis;
 - (j) corporations or associations organized for the exclusive purpose of holding title to property, collecting income from the property, and turning over the entire amount of the income, less expenses, to an organization that itself is exempt from the tax imposed by this title;
 - (k) wool and sheep pool, which is an association owned and operated by agricultural producers organized to market association members' wool and sheep, the income of which consists solely of assessments, dues, and fees collected from members for the sole purpose of meeting its expenses. Income, for this purpose, does not include expenses and money distributed to members contributing wool and sheep.
 - (l) corporation that qualifies as a domestic international sales corporation (DISC) under the provisions of section 991, et seq., of the Internal Revenue Code, 26 U.S.C. 991, et seq., and that has in effect for the entire taxable year a valid election under federal law to be treated as a DISC. If a corporation makes that election under federal law, each person who at any time is a shareholder of the corporation is subject to taxation under Title 15, chapter 30, on the earnings and profits of this DISC in the same manner as provided by federal law for all periods for which the election is effective.
 - (m) farmers' market association not organized for profit, no part of the net income of which inures to the benefit of any member, but that is organized for the sole purpose of providing for retail distribution of homegrown vegetables, handicrafts, and other products either grown or manufactured by the seller;
 - (n) common trust fund as defined in section 584(a) of the Internal Revenue Code, 26 U.S.C. 584(a).
- (2) In determining the license fee to be paid under this part, there may not be included any earnings derived from any public utility managed or operated by any subdivision of the state or from the exercise of any governmental function.

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(3) Any unrelated business taxable income, as defined by section 512 of the Internal Revenue Code, 26 U.S.C. 512, as amended, earned by any exempt ~~corporation~~ entity resulting in a federal unrelated business income tax liability of more than \$100 must be taxed as other corporation income is taxed under this title. An exempt ~~corporation~~ entity subject to taxation on unrelated business income under this section shall file a copy of its federal exempt organization business income tax return on which it reports its unrelated business income with the department of revenue.""

"

Renumber: subsequent sections

3. Page 8, lines 2 and 3.

Following: "not" on line 2

Strike: remainder of line 2 through "170(c)(2)(D)" on line 3

Insert: "attempt to influence legislation or participate or intervene in any political campaign, including publishing or distributing statements, on behalf of or in opposition to any candidate for public office"

And, as amended, do pass. Report adopted.

HB 308, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

Following: "SENTENCE" on line 6

Strike: "TO PERFORM COMMUNITY SERVICE"

Strike: "SECTIONS" on line 6 through "46-18-250," on line 7

Insert: "SECTION 46-18-201,"

2. Page 1, line 11 through page 3, line 28.

Strike: sections 1 through 3 in their entirety

Insert: "**Section 1.** Section 46-18-201, MCA, is amended to read:

"46-18-201. Sentences that may be imposed. (1) (a) Whenever a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere, a sentencing judge may defer imposition of sentence, except as otherwise specifically provided by statute, for a period:

(i) not exceeding 1 year for a misdemeanor or for a period not exceeding 3 years for a felony; or

(ii) not exceeding 2 years for a misdemeanor or for a period not exceeding 6 years for a felony if a financial obligation is imposed as a condition of sentence for either the misdemeanor or the felony, regardless of whether any other conditions are imposed.

(b) Except as provided in 46-18-222, imposition of sentence in a felony case may not be deferred in the case of an offender who has been convicted of a felony on a prior occasion, whether or not the sentence was imposed, imposition of the sentence was deferred, or execution of the sentence was suspended.

(2) Whenever a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere, a sentencing judge may suspend execution of sentence, except as otherwise specifically provided by statute, for a period up to the maximum sentence allowed or for a period of 6 months, whichever is greater, for each particular offense.

(3) (a) Whenever a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere, a sentencing judge may impose a sentence that may include:

(a)(i) a fine as provided by law for the offense;

(b)(ii) payment of costs, as provided in 46-18-232, or payment of costs of assigned counsel as provided in 46-8-113;

(c)(iii) a term of incarceration, as provided in Title 45 for the offense, at a county detention center or at

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a state prison to be designated by the department of corrections;

~~(d)~~(iv) commitment of:

~~(i)~~(A) an offender not referred to in subsection ~~(3)(d)(ii)~~ ~~(3)(a)(iv)(B)~~ to the department of corrections, with a recommendation for placement in an appropriate correctional facility or program; however, all but the first 5 years of the commitment to the department of corrections must be suspended, except as provided in 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(c), and 45-5-625(4); or

~~(ii)~~(B) a youth transferred to district court under 41-5-206 and found guilty in the district court of an offense enumerated in 41-5-206 to the department of corrections for a period determined by the court for placement in an appropriate correctional facility or program;

~~(e)~~(v) with the approval of the facility or program, placement of the offender in a community corrections facility or program as provided in 53-30-321;

~~(f)~~(vi) with the approval of the prerelease center or prerelease program and confirmation by the department of corrections that space is available, placement of the offender in a prerelease center or prerelease program for a period not to exceed 1 year;

~~(g)~~(vii) chemical treatment of sexual offenders, as provided in 45-5-512, if applicable, that is paid for by and for a period of time determined by the department of corrections, but not exceeding the period of state supervision of the person; or

~~(h)~~(viii) any combination of subsections (2) ~~through (3)(g)~~ and (3)(a)(i) through (3)(a)(vii).

(b) A court may not more than twice annually, as part of a program available to an identifiable class of defendants owing fines imposed by the court, permit up to \$100 of the amount of the fine to be satisfied by a donation of food, clothing, or other necessities of life to a community organization dedicated to the provision of those items to low-income individuals.

(4) When deferring imposition of sentence or suspending all or a portion of execution of sentence, the sentencing judge may impose upon the offender any reasonable restrictions or conditions during the period of the deferred imposition or suspension of sentence. Reasonable restrictions or conditions imposed under subsection (1)(a) or (2) ~~of this section~~ may include but are not limited to:

(a) limited release during employment hours as provided in 46-18-701;

(b) incarceration in a detention center not exceeding 180 days;

(c) conditions for probation;

(d) payment of the costs of confinement;

(e) payment of a fine as provided in 46-18-231;

(f) payment of costs as provided in 46-18-232 and 46-18-233;

(g) payment of costs of assigned counsel as provided in 46-8-113;

(h) with the approval of the facility or program, an order that the offender be placed in a community corrections facility or program as provided in 53-30-321;

(i) with the approval of the prerelease center or prerelease program and confirmation by the department of corrections that space is available, an order that the offender be placed in a prerelease center or prerelease program for a period not to exceed 1 year;

(j) community service;

(k) home arrest as provided in Title 46, chapter 18, part 10;

(l) payment of expenses for use of a judge pro tempore or special master as provided in 3-5-116;

(m) with the approval of the department of corrections and with a signed statement from an offender that the offender's participation in the boot camp incarceration program is voluntary, an order that the offender complete the boot camp incarceration program established pursuant to 53-30-403;

(n) participation in a day reporting program provided for in 53-1-203;

(o) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the protection of the victim or society; or

(p) any combination of the restrictions or conditions listed in subsections (4)(a) through (4)(p).

(5) In addition to any other penalties imposed, if a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere and the sentencing judge finds that a victim, as defined in 46-18-243,

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has sustained a pecuniary loss, the sentencing judge shall, as part of the sentence, require payment of full restitution to the victim, as provided in 46-18-241 through 46-18-249, whether or not any part of the sentence is deferred or suspended.

(6) In addition to any of the penalties, restrictions, or conditions imposed pursuant to subsections (1) through (5), the sentencing judge may include the suspension of the license or driving privilege of the person to be imposed upon the failure to comply with any penalty, restriction, or condition of the sentence. A suspension of the license or driving privilege of the person must be accomplished as provided in 61-5-214 through 61-5-217.

(7) In imposing a sentence on an offender convicted of a sexual or violent offense, as defined in 46-23-502, the sentencing judge may not waive the registration requirement provided in Title 46, chapter 23, part 5.

(8) If a felony sentence includes probation, the department of corrections shall supervise the offender unless the court specifies otherwise.""

Renumber: subsequent section

And, as amended, do pass. Report adopted.

MOTIONS

Rep. Campbell moved to reconsider previous actions on **SB 39** and it be moved from the Appropriations Committee and be placed on 3rd reading tomorrow. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Friday, February 13, 2009. Motion carried.

House adjourned at 3:07 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
THIRTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
February 13, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. McChesney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker thanked the pages for the week.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 160 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Taylor, Vance, Van Dyk, Villa, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 82

Nays: Bennett, Brown, Hawk, Kasten, Kerns, Lake, Mendenhall, More, Nooney, Randall, Sales, Sonju, Stahl, Stoker, Vincent, Warburton.
Total 16

Excused: None.
Total 0

Absent or not voting: Blewett, Mehlhoff.
Total 2

HB 274 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 51

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

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Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 278 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boniek, Boss Ribs, Brown, Butcher, Campbell, Driscoll, Glaser, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Mr. Speaker.

Total 76

Nays: Becker, Boland, Caferro, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Grinde, Hands, Hollenbaugh, Kottel, MacDonald, Nooney, Phillips, Pomnichowski, Reinhart, Roundstone, Van Dyk, Wilson, Wiseman.

Total 23

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 285 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Stoker.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 340 failed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 50

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 365 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: B. Beck, Boniek, Brown, Hawk, Kasten, Kerns, Lake, Mendenhall, Randall, Reichner, Sales, Sonju.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 367 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson,

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Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman.
Total 96

Nays: Van Dyk, Villa, Wilmer, Mr. Speaker.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 400 passed as follows:

Yeas: Ankney, Barrett, Bean, B. Beck, P. Beck, Becker, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 80

Nays: Arntzen, Augare, Belcourt, Bennett, Boss Ribs, Caferro, Campbell, Hawk, Hendrick, Howard, Ingraham, Lake, Malek, McGillvray, Peterson, Regier, Reichner, Roundstone, Smith, Stoker.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 4 adopted as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Campbell, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 59

Nays: Barrett, Becker, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Roundstone, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 41

Excused: None.
Total 0

STATE INTERNET/BBS COPY

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Absent or not voting: None.
Total 0

SB 39 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 81

Nays: Bean, Bennett, Boniek, Brown, Butcher, Hawk, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, Morgan, Nooney, Randall, Sales, Stoker, Vance.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 2/13/2009

SB 124, introduced by Squires
SB 229, introduced by Perry
SB 268, introduced by R. Brown
SB 273, introduced by Laslovich
SB 294, introduced by Gillan

Senate joint resolution passed and transmitted to the House for concurrence: 2/13/2009

SJR 10, introduced by Perry

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 598, introduced by P. Noonan, Jopek, McClafferty, Sands, French, Hamilton, A. Noonan, Wilmer, Sesso, Dickenson, Phillips, Wiseman, Hiner, referred to Business and Labor.
HB 599, introduced by Hamilton, referred to Business and Labor.
HB 600, introduced by Miller, referred to Transportation.
HB 601, introduced by Cohenour, referred to Transportation.
HB 602, introduced by Cohenour, referred to State Administration.
HB 603, introduced by Hollenbaugh, Cooney, Branae, Caferro, Schmidt, Sesso, Wilson, Hamilton, Wanzenried, Hollenbaugh, A. Noonan, Williams, McChesney, Cohenour, Hiner, Villa, P. Noonan, Hunter, McClafferty,

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McAlpin, Getz, referred to Business and Labor.

HB 604, introduced by Hamilton, Wilmer, referred to Education.

HB 605, introduced by Augare, Stewart-Peregoy, Windy Boy, Campbell, Belcourt, Boss Ribs, Juneau, Roundstone, Pease-Lopez, referred to Fish, Wildlife and Parks.

HB 606, introduced by Mendenhall, referred to Local Government.

HB 607, introduced by Wagner, referred to Transportation.

HB 608, introduced by Sesso, referred to Business and Labor.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 23, introduced by Augare, Boss Ribs, Juneau, Pease-Lopez, MacDonald, Belcourt, Roundstone, Campbell, Stewart-Peregoy, referred to Judiciary.

The following Senate bills were introduced, read first time, and referred to committees:

SB 124, introduced by Squires, referred to State Administration.

SB 229, introduced by Perry, referred to State Administration.

SB 268, introduced by R. Brown, referred to Transportation.

SB 273, introduced by Laslovich, referred to Education.

SB 294, introduced by Gillan, referred to Local Government.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 10, introduced by Erickson, referred to Business and Labor.

Rep. Phillips requested a caucus for the House Democrats for 15 minutes.

Rep. Mendenhall announced that the House Republicans will stand at ease and read poetry.

Mr. Speaker announced that the House will stand at ease and recess for 15 minutes and reconvene at 1:30 p.m.

Mr. Speaker called the House to order at 1:29 p.m.

Rep. Reinhart requested a moment of silence to honor Lt. Col. Garnet Derby of Missoula. She read the following remarks and submitted the following article from the Missoulian a moment of silence ensued.

"A soldier from Montana has been killed in Iraq.

The Defense Department says 44-year-old Lt. Col. Garnet Derby of Missoula died Feb. 9 in Mosul, after being wounded by an improvised explosive device. Derby was one of four soldiers killed by the explosion near their vehicle. They were assigned to an Army division at Fort Hood, Texas.

The others killed were from Kentucky, Arizona and Massachusetts."

Missoula soldier killed in Iraq

Feb. 13, 2009

By the Missoulian

A Missoula soldier was among four U.S. soldiers killed in Iraq on Monday when a homemade bomb blew up near their vehicle in Mosul, according to the Department of Defense.

Lt. Col. Garnet R. Derby, 44, is the 19th lieutenant colonel killed in Iraq since the war started, according to the Army Times. Its story added he may be one of just three battalion commanders killed by enemy fire in the war.

Derby was assigned to the 3rd Battalion, 8th Cavalry Regiment, which is part of the 3rd Brigade Combat Team of

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the 1st Cavalry Division from Fort Hood, Texas. That brigade was on its third tour of Iraq, having deployed in December 2008, the story said.

Derby joined the Montana National Guard in 1985 as a cavalry scout, according to the Army Times. He served in Schweinfurt, Germany; Sacramento, Calif.; Fort Stewart, Ga.; and Fort Irwin, Calif.

He earned the Bronze Star with oak leaf cluster, Purple Heart, Army Meritorious Service Medal with three oak leaf clusters, Army Commendation Medal, combat action badge and numerous other decorations.

Also killed were Sgt. Joshua A. Ward, 30, of Scottsville, Ky.; Pfc. Albert R. Jex, 23, of Phoenix; and Pfc. Jonathan R. Roberge, 22, of Leominster, Mass.

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (Arntzen, Chairman):

2/13/2009

HB 426, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 609, introduced by Hamilton, McAlpin referred to Business and Labor.

HB 610, introduced by Villa, Hiner, Laslovich referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Malek in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 74 - Representative Van Dyk moved **HB 74** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 230 - Representative McClafferty moved **HB 230** do pass. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Taylor, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 76

Nays: Bean, Blasdel, Brown, Butcher, Hawk, Hendrick, Himmelberger, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Peterson, Randall, Sales, Stahl, Stoker, Vance, Wagner, Washburn.

Total 23

Excused: None.

Total 0

Absent or not voting: Boniek.

Total 1

HB 291 - Representative Sonju moved **HB 291** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Boniek, Ingraham, McGillvray, Milburn, Roberts, Wagner, Washburn.

Total 7

Excused: None.

Total 0

Absent or not voting: P. Beck.

Total 1

HB 293 - Representative Hiner moved **HB 293** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel,

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Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: McChesney.
Total 1

HB 317 - Representative Furey moved **HB 317** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 328 - Representative MacLaren moved **HB 328** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman,

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Mr. Speaker.
Total 93

Nays: B. Beck, More, Pease-Lopez, Roberts, Sales, Vance.
Total 6

Excused: None.
Total 0

Absent or not voting: Sonju.
Total 1

HB 345 - Representative K. Peterson moved **HB 345** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Howard, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Van Dyk, Villa, Wagner, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 57

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, Nooney, O'Hara, Randall, Regier, Reichner, Roberts, Sales, Smith, Stoker, Taylor, Vance, Vincent, Washburn, Welborn.
Total 43

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 366 - Representative McGillvray moved **HB 366** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Boland, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wiseman.
Total 73

Nays: Augare, Barrett, Belcourt, Blewett, Boss Ribs, Dickenson, French, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jopek, Malek, McClafferty, Mehlhoff, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Roundstone, Sands, Sesso, Villa, Wilmer, Wilson, Mr. Speaker.
Total 27

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 378 - Representative Blasdel moved **HB 378** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pommichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 412 - Representative Wiseman moved **HB 412** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pommichowski, Reinhart, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 79

Nays: Augare, Boss Ribs, Caferro, Hendrick, Henry, Howard, Ingraham, Kasten, Kerns, McGillvray, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Smith, Stoker, Wagner, Washburn.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairwoman Malek moved the Committee of the Whole report be adopted. Report adopted unanimously.

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Yeas: Ankney, Augare, Barrett, Bean, P. Beck, Becker, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 86

Nays: Belcourt, Boniek, Dickenson, McGillvray, Regier, Van Dyk, Vincent.
Total 7

Excused: Wagner.
Total 1

Absent or not voting: Arntzen, B. Beck, Blasdel, Hollandsworth, Howard, Ingraham.
Total 6

REPORTS OF STANDING COMMITTEES

FISH, WILDLIFE AND PARKS (Van Dyk, Chairman):
HB 382, introduced bill, be amended as follows:

2/13/2009

1. Page 1, line 16.

Strike: "regardless"

Insert: "not less than 14 years"

2. Page 1, line 23.

Strike: "5"

Insert: "1"

Following: "license"

Strike: "years"

Insert: "year"

3. Page 1, line 30.

Following: "supervise"

Strike: "the"

Insert: "a single"

4. Page 2, line 1.

Following: "field"

Insert: ", unaided by optics, amplification, or communication devices"

5. Page 2, line 11.

Insert: "(6) The department shall report to the 62nd legislature regarding the success of the apprentice hunter program and make recommendations for modification or improvement needed to achieve the objectives of the program."

And, as amended, do pass. Report adopted.

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HB 383, introduced bill, be amended as follows:

1. Page 2, line 26 through line 27.

Strike: "nationally" on line 26 through "illnesses" on line 27

Insert: "licensed physician"

2. Page 4, line 27 through line 28.

Strike: "nationally" on line 27 through "illnesses" on line 28

Insert: "licensed physician"

And, as amended, do pass. Report adopted.

MOTIONS

Rep. Campbell moved that **HB 305** be moved to the Appropriations Committee. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:00 a.m., Saturday, February 14, 2009. Motion carried.

House adjourned at 2:19 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
THIRTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
February 14, 2009

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. MacLaren. Pledge of Allegiance to the Flag.

Roll Call. All members present. Except for Rep. Blewett who is excused. Quorum present.

Rep. D. Brown wished Rep. Villa a happy birthday.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 74 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 230 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Van Dyk, Villa, Vincent, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 70

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Jones, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Peterson, Randall, Roberts, Sales, Smith, Stoker,

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Taylor, Vance, Wagner, Washburn, Welborn.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 291 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Boniek, Ingraham, Milburn, Roberts, Wagner, Washburn.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 293 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: More.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 317 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 328 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Kasten, More, Pease-Lopez, Roberts, Vance.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 345 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, French, Furey, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Howard, Hunter, Jopek, Kottel, MacDonald, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 52

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Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Fleming, Getz, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, Malek, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Nooney, O'Hara, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 366 passed as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman.

Total 92

Nays: Augare, Dickenson, Hamilton, Pease-Lopez, Roundstone, Wilson, Mr. Speaker.

Total 7

Excused: None.

Total 0

Absent or not voting: Sesso.

Total 1

HB 378 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 412 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 83

Nays: Bennett, Boniek, Caferro, Hendrick, Howard, Ingraham, Kasten, Kerns, McGillvray, O'Hara, Peterson, Regier, Reichner, Roberts, Roundstone, Smith, Stoker.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman): 2/14/2009

HB 179, be adopted. Report adopted.

HB 343, be adopted. Report adopted.

HB 338, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "DIOXIDE"

Insert: "PRODUCED IN THE COMBUSTION OF FOSSIL FUELS"

2. Page 1, line 15.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

3. Page 1, line 17.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

4. Page 1, line 19.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

5. Page 1, line 23.

Following: "dioxide"

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Insert: "produced in the combustion of fossil fuels"

6. Page 1, line 25.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

7. Page 1, line 30.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

8. Page 2, line 14.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

9. Page 2, line 15.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

10. Page 2, line 18.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

11. Page 2, line 19.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

12. Page 2, line 29.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

13. Page 3, line 15.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

14. Page 3, line 20.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

15. Page 3, line 22.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

16. Page 4, line 4.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

17. Page 4, line 6.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

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18. Page 4, line 9.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

19. Page 4, line 20.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

20. Page 4, line 21.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

21. Page 4, line 23.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

22. Page 4, line 29.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

23. Page 5, line 5.

Following: "dioxide"

Insert: "produced in the combustion of fossil fuels"

And, as amended, do pass. Report adopted.

HJR 13, be adopted. Report adopted.

TRANSPORTATION (Sonju, Chairman):

2/14/2009

HB 103, do pass. Report adopted.

HB 380, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/14/2009

SB 73, introduced by Hawks

SB 95, introduced by Brueggeman

SB 120, introduced by Zinke

SB 296, introduced by Essmann

SB 299, introduced by J. Tropila

SB 308, introduced by Keane

SB 325, introduced by Perry

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 611, introduced by Jones, Glaser, Augare, Mehlhoff, referred to Education.

HB 612, introduced by B. Beck, referred to Appropriations.

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HB 613, introduced by Sales, referred to State Administration.

HB 614, introduced by MacLaren, referred to Transportation.

HB 615, introduced by MacLaren, referred to Business and Labor.

The following Senate bills were introduced, read first time, and referred to committees:

SB 73, introduced by Hawks, referred to Transportation.

SB 95, introduced by Brueggeman, referred to Natural Resources.

SB 120, introduced by Zinke, referred to Natural Resources.

SB 296, introduced by Essmann, Wanzenried, referred to Local Government.

SB 299, introduced by J. Tropila, Cooney, Gillan, Lewis, Stewart-Peregoy, referred to State Administration.

SB 308, introduced by Keane, Ankney, Brueggeman, Cohenour, Cooney, Gebhardt, Glaser, Hamlett, Klock, Laslovich, A. Noonan, O'Hara, Stahl, Villa, Wilson, referred to Business and Labor.

SB 325, introduced by Perry, referred to Human Services.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bennett in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 163 - Representative Cohenour moved **HB 163** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Van Dyk, Villa, Vincent, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 66

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Caferro, Hawk, Hendrick, Hoven, Howard, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Sales, Smith, Stoker, Taylor, Vance, Wagner, Washburn, Welborn.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 235 - Representative Kottel moved **HB 235** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven,

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Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Berry, Hendrick, Himmelberger, Kasten, McNutt, Mendenhall, Miller, Peterson, Sales, Sonju, Stoker, Taylor, Wagner.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 246 - Representative Boniek moved **HB 246** do pass.

Rep. Villa Point of Order the rules of the House require that a fiscal note is required before executive action is taken. Mr. Speaker asked that the House stand at ease for 3 minutes while the fiscal not is handed out.

Chair Bennett announced that the House will stand at ease, 8:38 a.m.

The House was called to back to order at 8:42 a.m.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boland, Boniek, Brown, Butcher, Cohenour, Fleming, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman.

Total 64

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boss Ribs, Caferro, Campbell, Dickenson, Driscoll, Ebinger, French, Furey, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, MacDonald, Malek, McAlpin, McChesney, McClafferty, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Villa, Wilmer, Mr. Speaker.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 288 - Representative Kerns moved **HB 288** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard,

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Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Boss Ribs, Caferro, Hamilton, Henry, Hollenbaugh, Pomnichowski, Wilmer.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 294 - Representative MacLaren moved **HB 294** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 74

Nays: B. Beck, Bennett, Brown, Glaser, Hendrick, Himmelberger, Hollandsworth, Howard, Jones, Kasten, Kerns, Mendenhall, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Sonju, Taylor, Vance, Vincent, Wagner, Warburton.

Total 25

Excused: None.

Total 0

Absent or not voting: Wiseman.

Total 1

HB 324 - Representative Arntzen moved **HB 324** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

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Nays: Dickenson.
Total 1

Excused: None.
Total 0

Absent or not voting: Glaser.
Total 1

HB 332 - Representative Getz moved **HB 332** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bennett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Kerns, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stoker, Vance, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 73

Nays: Arntzen, Bean, B. Beck, Belcourt, Butcher, Hawk, Hendrick, Howard, Ingraham, Klock, Lake, Miller, More, Morgan, Randall, Regier, Smith, Stahl, Taylor, Van Dyk, Vincent.
Total 21

Excused: Blewett.
Total 1

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Absent or not voting: Bennett, Phillips, Sales, Sonju, Steenson.
Total 5

MOTIONS

Rep. Campbell moved **HB 583** moved to the Appropriations Committee. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Monday, February 16, 2009. Motion carried.

House adjourned at 9:09 a.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
THIRTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
February 16, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Steenson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Augare asked for a moment of silence in honor of the Honorable Chair of Crowe Indian Nation. A moment of silence ensued, the following remarks were submitted to the journal.

Mr. Speaker, yesterday the Crowe Indian Nation and all of Big Sky Country suffered a great loss. Our souls ache for the loss of the Honorable Chairman of the Crowe Indian Nation, Carl Venne, a good and decent man and magnificent public servant.

Amid the darkness that has settled over Crowe Agency since Sunday morning, we have seen an outpouring of love from others across Montana.

The Montana American Indian Caucus of State Legislators and many of us in this body, too, stand ready to help in every way we can. Today, the Crowe nation itself is crying out in grief. Tomorrow, so many of our fellow citizens across Big Sky Country, so many of them very far from here, young and old, Indian and non, countless individuals whose names we will never know, will pray with us and remember Chairman Venne who lived his life for the good people of the Crowe Nation.

Chairman Venne was an extraordinary leader with a common touch. His dedication to the well-being of an average American Indian was unparalleled in our state. He believed that all of our citizens, no matter how humble their beginnings or difficult their plight, had an equal right to be happy, healthy, and full lives. He always made the time to hear the real needs of our people, and he always took the time to speak up for them wherever he traveled.

He taught us all by his example that American Indians and Montanans face challenges together. And he lived every moment of every day fighting to make the Crowe nation ever stronger, ever the beacon of opportunity for all of it's membership.

Carl, we will miss you. You leave an extraordinary legacy for thousands of Montanans to honor, to cherish and to carry on. Your outstanding contributions to the Crowe Nation, to Montana, and to the nation will always be remembered.

Mr. Speaker, on behalf of Representative Pease-Lopez and the tribal nations of our state, I request we honor this great man with a moment of silence.

Mr. Speaker introduced the pages for the week. Brittney Kuntz (Great Falls), Whitney McCurdy (Anaconda), Mara Menahan (Helena), Fred Nixon (Bozeman), Emma Sales (Bozeman), Patrick Smiley (Roberts), Karissa Walter-Nooney (Missoula), Alaine Field (Townsend).

Mr. Speaker asked Sgt.-at-Arms Tensley to escort the Box Elder School honored guests into the chambers. Rep. Belcourt introduced the Box Elder School who preformed for the House chambers.

Performers included:

Vicky Morning - High School; Shayla Beaumont - High School, Marquita Wright - 8th grade, Misty Baker - 6th grade
Lance Begay - 5th grade, Andrea Meyers - 5th grade, Tyrah Stone - 5th grade, Jude The Boy - 5th grade, Micayela

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Helaire - 5th grade, Alicia McDowell - 5th grade, Jerrod Four Colors - 5th grade, Ennis Russell - 4th grade, Tia Russell - 4th grade, Tai Russell - 4th grade, Dave Nelson - Elementary Principle, Lisa Preeshl - Character Education, Karen Blackbird - Elementary Councilor, Kishey Baker - Cree Culture/Indian Educator.

Sgt.-at-Arms Tensley escorted the honored guests from the chambers.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 163 passed as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Van Dyk, Villa, Vincent, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 64

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Caferro, Hawk, Hendrick, Himmelberger, Hoven, Howard, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Roberts, Sales, Smith, Stoker, Taylor, Vance, Wagner, Washburn, Welborn.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 235 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: B. Beck, Berry, Hendrick, Himmelberger, Kasten, Mendenhall, Miller, Peterson, Reichner, Sales, Sonju, Taylor, Wagner.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

HB 288 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Caferro, Dickenson, Hamilton, Henry, Hollenbaugh, Pomnichowski, Wilmer.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 294 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 73

Nays: Bean, B. Beck, Bennett, Boniek, Brown, Butcher, Hendrick, Himmelberger, Hollandsworth, Howard, Jones, Kasten, Kerns, Mendenhall, Miller, More, Morgan, Randall, Regier, Reichner, Sales, Sonju, Taylor, Vance, Vincent, Wagner, Warburton.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 324 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake,

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MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 332 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

COMMUNICATIONS AND PETITIONS

The House Journals for Days 12 through 24 have been reviewed, signed and with the Secretary of State.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):

2/16/2009

HB 451, introduced bill, be amended as follows:

1. Page 1, line 13.

Strike: "\$100,000"

Insert: "\$25,000"

2. Page 1, line 22.

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Following: "inspections"
Insert: "and tests"

3. Page 1, line 25.
Following: "inspections"
Insert: "and tests"

4. Page 1, line 26 through line 27.
Following: "necessary"
Strike: "and" on line 26 through "project" on line 27

5. Page 2, line 11.
Following: "inspections"
Insert: "and tests"

And, as amended, do pass. Report adopted.

JUDICIARY (Stoker, Chairman):
HB 301, do pass. Report adopted.
HB 322, introduced bill, be amended as follows:

2/16/2009

1. Title, line 6.
Following: "INTEREST;"
Strike: "AND"

2. Title, line 7.
Following: "MCA"
Insert: "; AND PROVIDING AN APPLICABILITY DATES"

3. Page 1, lines 21 through line 24.
Strike: subsection (b) in its entirety
Insert: "(b) whether the person has been employed by a party to the arbitration proceeding within the last 5 years;"

4. Page 1, line 25.
Following: "(c)(i)"
Insert: "(A) the names of the parties to arbitration proceedings commenced after October 1, 2009, other than the pending proceeding, in which the person served or is serving as a party arbitrator and not a neutral arbitrator for any party to that proceeding or as an attorney for a party to that proceeding and the results of each of those proceedings that were arbitrated to conclusion; or
(B) beginning October 1, 2014,"

5. Page 2, line 2.
Following: ";"
Insert: "and"

6. Page 2, lines 3 and 4.
Strike: "and" on line 3 through ";" on line 4

7. Page 2, line 5.
Following: "(d)(i)"

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Insert: "(A) the names of the parties to arbitration proceedings commenced after October 1, 2009, other than the pending proceeding, in which the person served or is serving as a party arbitrator and not a neutral arbitrator for any party to that proceeding or as an attorney for a party to that proceeding and the results of each of those proceedings that were arbitrated to conclusion; or
(B) beginning October 1, 2014,"

8. Page 2, line 13.

Following: ";"

Insert: "and"

9. Page 2, line 15.

Strike: line 15 in its entirety

10. Page 2, lines 17 through 19.

Strike: "; and" on line 17 through "party" on line 19

Insert: "within the last 5 years"

11. Page 2, line 20.

Strike: "subsection (4)(c)(i)"

Insert: "subsection (4)(c) and (4)(d)"

12. Page 2.

Following: line 27

Insert: "(8) This section does not apply to:

(a) arbitration agreements that have been approved by the United States security and exchange commission pursuant to the Securities and Exchange Act of 1934; or

(b) arbitrations conducted by the Montana bar association's voluntary fee arbitration program."

13. Page 3, line 20.

Strike: "the"

Insert: "a material"

14. Page 3, line 21.

Following: the first "of"

Insert: "a material"

Strike: "1 year"

Insert: "90 days"

And, as amended, do pass. Report adopted.

HB 407, do pass. Report adopted.

HB 427, do pass. Report adopted.

HR 2, introduced resolution, be amended as follows:

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1. Page 1, line 16.

Following: "implement"

Insert: "research-based"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

2/16/2009

HB 145, introduced bill, be amended as follows:

1. Page 5, line 28.

Strike: "\$200"

Insert: "\$100"

2. Page 9.

Following: line 14

Insert: "NEW SECTION. Section 11. Contingent voidness. If money is not appropriated in a line item in House Bill No. 2 for the purposes of [this act], then [this act] is void."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 475, do pass. Report adopted.

HB 509, do pass. Report adopted.

TRANSPORTATION (Sonju, Chairman):

2/16/2009

HB 356, introduced bill, be amended as follows:

1. Page 2, line 6.

Following: "means"

Insert: ": (a)"

2. Page 2, line 7.

Following: "scales"

Insert: "; or"

3. Page 2, line 7.

Following: line 7

Insert: "(b) a site where leveling pads can be used in strict accordance with all of the manufacturer's manuals and specifications"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/16/2009

SB 150, introduced by Brueggeman

SB 167, introduced by Zinke

SB 269, introduced by R. Brown

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SB 283, introduced by Erickson
SB 319, introduced by Keane

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 616, introduced by Furey, A. Noonan, P. Noonan, McClafferty, referred to Human Services.
HB 617, introduced by Furey, Steenson, McClafferty, Fleming, A. Noonan, Hamilton, P. Noonan, referred to Appropriations.
HB 618, introduced by Augare, referred to Business and Labor.
HB 619, introduced by Jopek, referred to Appropriations.
HB 620, introduced by Jopek, referred to Local Government.
HB 621, introduced by Wilson, referred to Business and Labor.

The following Senate bills were introduced, read first time, and referred to committees:

SB 150, introduced by Brueggeman, referred to Business and Labor.
SB 167, introduced by Zinke, referred to Agriculture.
SB 269, introduced by R. Brown, referred to Business and Labor.
SB 283, introduced by Erickson, De. Barrett, Lewis, referred to Transportation.
SB 319, introduced by Keane, Ankney, Hendrick, Windy Boy, referred to Transportation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hunter in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 273 - Representative O'Hara moved **HB 273** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Kasten, Sales, Wagner.

Total 3

Excused: None.

Total 0

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Absent or not voting: Mendenhall.
Total 1

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hunter moved the Committee of the Whole report be adopted. Report adopted.

Yeas: Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 82

Nays: Ankney, Hawk, More, Regier, Sales, Vance, Vincent, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: Arntzen, Bennett, Boniek, Butcher, Grinde, McClafferty, Mendenhall, Morgan, A. Noonan, Roberts.
Total 10

Mr. Speaker directed Sgt.-at-Arms to escort our Honored guest President Abraham Lincoln into the House chambers in order to address the body.
Sgt.-at-Arms Tensley escorted the Honorable President Abraham Lincoln into the House chambers.
President Abraham Lincoln addressed the body, recounting historical events in his presidency.
Sgt.-at-Arms Tensley escorted the Honorable President Abraham Lincoln out of the House chambers.

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hunter in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 308 - Representative Augare moved **HB 308** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Taylor, Vance, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 66

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Hawk, Himmelberger, Hollandsworth, Ingraham, Kasten, Kerns, Lake, McGillvray, McNutt, Menahan, Mendenhall, Miller, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Stahl, Stoker, Vincent, Wagner, Washburn, Welborn.

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Total 33

Excused: None.

Total 0

Absent or not voting: Sonju.

Total 1

HB 321 - Representative Cohenour moved **HB 321** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 58

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.
Total 40

Excused: None.

Total 0

Absent or not voting: Morgan, Stahl.

Total 2

HB 372 - Representative Wilmer moved **HB 372** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Howard, Hunter, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 57

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Blewett, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Vance, Vincent, Wagner, Washburn, Welborn.
Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 384 - Representative Villa moved **HB 384** do pass. Motion carried as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 73

Nays: B. Beck, Bennett, Blasdel, Boniek, Brown, Hendrick, Himmelberger, Ingraham, Kerns, Lake, MacDonald, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Sales, Smith, Sonju, Stoker, Vincent, Wagner, Washburn, Welborn.

Total 26

Excused: None.

Total 0

Absent or not voting: O'Hara.

Total 1

HB 387 - Representative Reichner moved **HB 387** do pass. Motion carried as follows:

ey, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Hawk, Kasten, MacLaren, McClafferty, More, Peterson, Phillips, Sales, Washburn, Welborn, Wilmer.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 428 - Representative Pomnichowski moved **HB 428** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

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Nays: Ankney, Hollandsworth, Mendenhall, More, Regier, Sales, Vance, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: Nooney.
Total 1

HJR 17 - Representative French moved **HJR 17** be adopted. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 78

Nays: Ankney, Bennett, Berry, Boniek, Brown, Hawk, Himmelberger, Hoven, Kasten, Kerns, Lake, Mendenhall, Milburn, Regier, Roberts, Sales, Sonju, Stoker, Taylor, Vincent, Wagner.
Total 21

Excused: None.
Total 0

Absent or not voting: Nooney.
Total 1

HB 397 - Representative Kottel moved **HB 397** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Pomnichowski.
Total 1

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HB 403 - Representative Kottel moved **HB 403** do pass. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Peterson.

Total 1

Excused: None.

Total 0

Absent or not voting: Sonju.

Total 1

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hunter moved the Committee of the Whole report be adopted. Report adopted.

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Hawk, Hendrick, Himmelberger, Mendenhall, More, Sales, Sonju.

Total 7

Excused: None.

Total 0

Absent or not voting: Ankney, Howard, Hunter, Morgan, Vincent.

Total 5

ANNOUNCEMENTS

Rep. Sesso announced and described the Appropriations Committee priority spending sheet.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Tuesday, February 17, 2009. Motion

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carried.

House adjourned at 2:22 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
THIRTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
February 17, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Vincent. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman): 2/17/2009
HB 161, do pass. Report adopted.

HUMAN SERVICES (Becker, Chairman): 2/17/2009
HB 85, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.
Strike: "PUBLIC" on line 7 through "SERVICES" on line 8
Insert: "TRANSPORTATION"
2. Title, page 1, line 9.
Strike: "CONSOLIDATING AND"
3. Title, page 1, line 10 through line 11.
Strike: "REPEALING" on line 10 through "MCA;" on line 11
4. Page 2, lines 5 through 11.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections
5. Page 2, line 13.
Strike: "public health and human services"
Insert: "transportation"
Strike: "2-15-2201"
Insert: "2-15-2501"
6. Page 2, line 22 through line 30.
Strike: subsection (9) through subsection (12) in their entirety
Renumber: subsequent subsections
7. Page 3, line 5 through line 9.
Strike: subsection (14) in its entirety
Renumber: subsequent subsections
8. Page 3, line 17 through page 4, line 10.
Strike: subsection (17) through subsection (25) in their entirety
Renumber: subsequent subsections
9. Page 5.

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Following: line 15

Insert: "(a) one member of the department;"

Renumber: subsequent subsections

10. Page 5, line 16.

Strike: "department's"

Insert: "department of public health and human service's"

11. Page 5, line 18.

Following: "department"

Insert: "of public health and human services"

12. Page 8, line 27 through line 28.

Strike: section 12 in its entirety

Renumber: subsequent sections

13. Page 8, line 30.

Strike: "(1)"

Strike: "and 3"

14. Page 9, line 1.

Following: "part of"

Strike: "Title 50, chapter 6,"

Insert: "Title 61, chapter 2,"

Following: "provisions of"

Strike: "Title 50, chapter 6,"

Insert: "Title 61, chapter 2,"

15. Page 9, line 2.

Strike: "and 3"

16. Page 9, line 3 through line 4.

Strike: subsection (2) in its entirety

And, as amended, do pass. Report adopted.

HB 394, introduced bill, be amended as follows:

1. Page 1, line 22.

Strike: "7"

Insert: "6"

2. Page 1.

Following: line 23

Insert: "(1) "Device" means any instrument, apparatus, or contrivance intended:

(a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans; or

(b) to affect the structure or any function of the human body."

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Renumber: subsequent subsections

3. Page 2.

Following: line 8

Insert: "(4) "Patient" means an individual who receives or has received health care.

(5) "Prescriber" means a medical practitioner, as defined in 37-2-101, licensed under the professional laws of this state to administer and prescribe medicine and drugs.

(6) "Prescription drug" means any drug that is required by federal law or regulation to be dispensed only by a prescription subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353).

(7) "Prescription drug order" has the meaning provided in 37-7-101."

Renumber: subsequent subsections

4. Page 2, line 19.

Following: "(3)"

Insert: "(a)"

5. Page 2.

Following: line 20

Insert: "(b) Nonmarketing purposes include but are not limited to:

(i) efforts by a health plan or benefits management program to ensure compliance with an independently established formulary based on evidence-based prescribing guidelines and cost containment goals;

(ii) educational or quality assurance programs designed for individuals covered by a health plan or benefits management program;

(iii) communication by a pharmacist about issues related to patient safety, generic substitution, or questions from a patient about a prescription drug; or

(iv) any communication about safety warnings, adverse event reporting, labeling changes, or compliance with federal risk evaluation and mitigation strategies."

6. Page 2, line 30.

Strike: "7"

Insert: "6"

7. Page 3, line 10.

Strike: "7"

Insert: "6"

8. Page 3, line 11.

Strike: "7"

Insert: "6"

Strike: "an administrative"

Insert: "a civil"

9. Page 3, line 12.

Strike: ", as assessed by the department"

10. Page 3.

Following: line 13

Insert: "(3) An agency that regulates, licenses, certifies, or registers a person who knowingly fails to comply with the requirements of [sections 1 through 7] may seek administrative relief as provided by law."

Renumber: subsequent subsection

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11. Page 3, line 14.

Strike: "7"

Insert: "6"

12. Page 3, line 18 through line 19.

Strike: section 5 in its entirety

Renumber: subsequent sections

13. Page 3, line 22.

Strike: "7"

Insert: "6"

14. Page 3, line 26.

Strike: "7"

Insert: "6"

15. Page 5, line 2.

Strike: "7"

Insert: "6"

16. Page 6, line 1.

Strike: "7"

Insert: "6"

17. Page 6, line 17.

Strike: "7"

Insert: "6"

18. Page 6, line 30.

Strike: "7"

Insert: "6"

19. Page 7, line 26.

Strike: "7"

Insert: "6"

20. Page 8, line 6.

Strike: "7"

Insert: "6"

21. Page 8, line 8.

Strike: "7"

Insert: "6"

22. Page 8, line 9.

Strike: "Title 37, chapter 7, part 4," and "Title 37, chapter 7,"

Insert: "Title 50, chapter 4," in two places

23. Page 8, line 10.

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Strike: "7"
Insert: "6"

24. Page 8, line 16.
Strike: "10"
Insert: "9"

And, as amended, do pass. Report adopted.

JUDICIARY (Stoker, Chairman):
HB 401, introduced bill, be amended as follows:

2/17/2009

1. Page 1, line 20.
Strike: "or"
Insert: ", "

2. Page 1, lines 21 and 22.
Following: "~~vehicle~~," on line 21
Insert: "or recreational vehicle"
Following: "time" on line 21
Strike: "; or" on line 21 through "vehicle" on line 22

3. Page 2, line 3.
Strike: "use, presence, or"

4. Page 2, line 25.
Strike: ", presence,"

5. Page 4, line 19.
Following: "from"
Insert: "fees collected pursuant to 75-10-1304, from"
Following: "[section 4]"
Insert: ", "

And, as amended, do pass. Report adopted.

HJR 14, be adopted. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman):
HB 404, do pass. Report adopted.

2/17/2009

MESSAGES FROM THE SENATE

STATE INTERNET/BBS COPY

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Senate bills passed and transmitted to the House for concurrence:

2/17/2009

SB 21, introduced by Story
SB 119, introduced by Esp
SB 142, introduced by Perry
SB 174, introduced by Perry
SB 280, introduced by Gebhardt

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 622, introduced by Himmelberger, referred to State Administration.
HB 623, introduced by Milburn, referred to Local Government.
HB 624, introduced by More, Hinkle, Boniek, Balyeat, Smith, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 27, introduced by Wilmer, Hands, Juneau, Grinde, Boss Ribs, Malek, Roundstone, Steenson, Phillips, McAlpin, Belcourt, Campbell, referred to State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

SB 21, introduced by Story, referred to Transportation.
SB 119, introduced by Esp, referred to Human Services.
SB 142, introduced by Perry, referred to Business and Labor.
SB 174, introduced by Perry, referred to Business and Labor.
SB 280, introduced by Gebhardt, referred to Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Lake in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 306 - Representative Morgan moved **HB 306** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

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Nays: Dickenson, Kasten, Kerns, Regier, Wagner.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 338 - Representative Ankney moved **HB 338** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Butcher, Kasten, Sales, Sonju, Wagner.
Total 5

Excused: None.
Total 0

Absent or not voting: O'Hara.
Total 1

HB 343 - Representative A. Noonan moved **HB 343** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 88

Nays: Becker, Boniek, Caferro, Dickenson, Hands, Hendrick, Howard, Jopek, Kasten, MacDonald, Reinhart, Wiseman.
Total 12

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

HB 179 - Representative Villa moved **HB 179** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Brown, Hendrick, Howard, Kasten, Mendenhall, Milburn, Miller, Randall, Sales, Taylor, Vincent, Washburn.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 356 - Representative Wagner moved **HB 356** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McGillvray, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, Nooney, O'Hara, Peterson, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 77

Nays: B. Beck, Caferro, Cohenour, Dickenson, Driscoll, French, Hawk, Hendrick, Kottel, McChesney, McClafferty, McNutt, Miller, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Regier, Sales, Sesso, Steenson, Mr. Speaker.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 380 - Representative Stahl moved **HB 380** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake,

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MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Campbell.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 382 - Representative Hamilton moved **HB 382** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Randall, Regier, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: Barrett, Brown, Caferro, Driscoll, Hawk, Hendrick, Hollandsworth, Howard, Ingraham, Jones, Kerns, Malek, Mendenhall, Morgan, Peterson, Pomnichowski, Roberts, Vance, Washburn.

Total 19

Excused: None.

Total 0

Absent or not voting: Hamilton.

Total 1

HB 301 - Representative Kottel moved **HB 301** do pass. Motion carried as follows:

Yeas: Augare, Barrett, Becker, Belcourt, Bennett, Blewett, Boland, Boniek, Boss Ribs, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Ankney, Arntzen, Bean, B. Beck, P. Beck, Berry, Blasdel, Brown, Caferro, Fleming, Howard, Ingraham, Lake, Mendenhall, Miller, Pomnichowski, Regier, Roberts, Sales, Smith, Sonju, Stoker, Vance, Vincent, Wagner, Washburn, Welborn.

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Total 27

Excused: None.

Total 0

Absent or not voting: Campbell.

Total 1

HB 383 - Representative Arntzen moved **HB 383** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Hoven, Kerns, Malek, More, Peterson, Regier, Stoker, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 426 - Representative Milburn moved **HB 426** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Berry, MacLaren, O'Hara.

Total 3

Excused: None.

Total 0

Absent or not voting: Jones.

Total 1

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HJR 13 - Representative Hands moved **HJR 13** be adopted. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 52

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lake moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Mr. Speaker.

Total 79

Nays: P. Beck, Blasdel, Hawk, Hendrick, Himmelberger, Kasten, McGillvray, Mendenhall, More, Randall, Regier, Sales, Sesso, Smith, Stahl, Vance, Vincent, Welborn, Wiseman.

Total 19

Excused: None.

Total 0

Absent or not voting: Ankney, Lake.

Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 273 passed as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Mendenhall, Sales.

Total 2

Excused: None.

Total 0

Absent or not voting: Hoven.

Total 1

HB 308 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 69

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kerns, Lake, McGillvray, McNutt, Menahan, Mendenhall, Miller, Peterson, Randall, Regier, Reichner, Sales, Smith, Stahl, Stoker, Vincent, Wagner, Washburn, Welborn.

Total 30

Excused: None.

Total 0

Absent or not voting: Butcher.

Total 1

HB 321 passed as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 57

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Glaser, Hawk, Hendrick, Himmelberger,

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Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.
Total 42

Excused: None.
Total 0

Absent or not voting: Butcher.
Total 1

HB 372 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 56

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Blewett, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Washburn, Welborn.
Total 44

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 384 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 70

Nays: Bean, B. Beck, Bennett, Blasdel, Brown, Butcher, Hawk, Hendrick, Himmelberger, Ingraham, Kasten, Kerns, Lake, MacDonald, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Sales, Smith, Sonju, Stoker, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 30

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

HB 387 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 397 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 403 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner,

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Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Peterson.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 428 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Boniek, Hollandsworth, Kerns, Mendenhall, Miller, More, Regier, Sales, Vance, Wagner, Welborn.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 17 adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: Berry, Boniek, Brown, Hawk, Hoven, Howard, Kerns, Milburn, Miller, Morgan, Regier, Roberts, Smith,

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Vincent, Welborn.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Rep. Campbell moved that **HJR 23** be moved to the Federal Relations, Energy & Telecommunications Committee. Motion carried.

Rep. Campbell moved that **HB 306** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that **HB 356** be moved to the Appropriations Committee. Motion carried.

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **SB 498** Motion carried.

HB 498 (French; Chief Sponsor)
Representatives Brenden.

HB 499 (French; Chief Sponsor)
Representatives Brenden.

ANNOUNCEMENTS

Mr. Speaker announced that "we are still getting bills introduced today. By turning them in this late when committees are already over booked, you will not be guaranteed a hearing on your bill"

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Wednesday, February 18, 2009. Motion carried.

House adjourned at 2:22 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
THIRTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
February 18, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. A. Noonan. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Campbell moved that the House stand at ease and wait for the Senate in order to resolve itself into a joint session.

Sgt.-at-Arms Tensely notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Bergren requested Sergeant-at-Arms Tensely to admit the Honorable Senate to the House Chambers.

Speaker Bergren introduced Senate President Story and yielded the chair to him.

Senate Majority Leader Peterson moved that the body resolve itself into a joint session for the purpose of receiving the address from U.S. Senator, the Honorable Max Baucus. Motion carried.

Sgt.-at-Arms Clark announced that Honorable guests await entrance to the chambers. President Story requested Sgt.-at-Arms Clark admit the Honored guests.

Senate Majority Leader Peterson moved the President be authorized to appoint a committee of four to notify U.S. Senator Baucus that we are in joint session and ready to receive his address. Motion carried.

The President appointed Senator Williams, Senator Brueggeman, Representative MacLaren, and Representative Steenson and discharged the committee to escort The Honorable Senator Baucus into the House Chambers.

Sgt.-at-Arms Clark announced that the Honorable U.S. Senator Max Baucus awaits outside the Chamber. President Story requested Sergeant-at-Arms Clark to admit the U.S. Senator Baucus to the House Chambers.

The Committee escorted Senator Baucus into the chambers.

President Story introduced U.S. Senator Baucus.

The Honorable U.S. Senator Max Baucus addressed the 61st joint legislative session.

· 1

U.S. Senator Max Baucus

Remarks to the 61st Montana Legislative Assembly (As Prepared)

February 18, 2009

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HOUSE JOURNAL
THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 18, 2009

ACKNOWLEDGEMENTS:

Good afternoon.

Mr. Speaker. Mr. President. Members of the House and Senate. Visitors joining us in the gallery.

Distinguished guests:

-Lt. Governor Bohlinger

-State Auditor Monica Lindeen

-Superintendent Denise Juneau

-Secretary of State Linda McCullough

-Attorney General Steve Bullock

-Members of the Supreme Court

-Other elected officials joining us

But perhaps the most distinguished guest here today is the person who raised me. She taught me the values of hard work, faith, community and doing what's right. The best mother in the whole world. My mother, Jean Baucus. Hi Mom!

It's good to be back here. I have very fond memories of this chamber. I'm glad to see Representative Jopek is still sitting at my old desk. Thanks Mike for your continued service.

CONDOLENCES:

Looking out at many familiar faces, one that is sadly not here is our old friend, George Groesbeck. George was such a great guy. It's no surprise that he was liked by folks on both sides of the aisle. Just a solid Butte guy. His passing was a tragedy felt by all. We thank Art Noonan for stepping in to serve.

Another pillar who is no longer with us is Donna Metcalf. She was a true Montana woman, who we all loved and respected. She will be missed.

And finally, we were all shocked to learn last weekend of Crow Tribal Chairman Venne's passing. Carl was a dear friend of mine, a solid Montana leader who always fought for his people. Our thoughts and prayers are with his family and the Crow Nation.

A Defining Moment:

As we gather here today, we do so with a somber determination -- aware of the turmoil that faces our towns, our state, and our great nation. Montana and America face a defining moment.

I know you hear it when you go into coffee shops in Plains and Plentywood, and you see it when you pass by abandoned construction sites in Scobey and Somers.

But this isn't the first time our nation has been challenged. And each time we have risen with grit and determination.

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- When President Roosevelt looked upon tired, hungry people stricken by poverty he didn't see despair, but a challenge to the American spirit.
- When President Kennedy looked upon the moon high in space he didn't see an insurmountable obstacle, but a challenge to American ingenuity.
- When President Reagan looked upon a massive concrete wall denying people freedom, he didn't see defeat but a challenge to American fortitude.

And as citizens went back to work. As Neil Armstrong took one small step. As people united by freedom tore down the wall. Our nation once again reminded the world why we are the land of the free and the home of the brave.

And today our nation faces yet another challenge.

And yet again, I am confident we will rise and history will note that we as Americans and Montanans met this challenge with a fierce determination.

JOBS BILL

There is no denying that our nation is facing the largest economic trial in 80 years. Since this recession began, across the country 3.6 million mothers and fathers, sisters and brothers, wives and husbands, have lost their jobs.

Companies that have been pillars to our economy have been forced to cut jobs in record numbers:

- Caterpillar announced it cut 20,000 jobs
- Microsoft has cut 5,000
- Even Harley Davidson had to let go more than 1,000 employees.
- And just yesterday, we were all stunned to learn that General Motors is laying off 47,000 people.

Did you know the number of people who attended the Super Bowl in Tampa was less than the number of people who lost their jobs the week before? That's more than 70,000 Americans.

And we have felt it right here in Montana, too. Recently we have lost:

- 1434 jobs from outfitters and hotels
- 985 manufacturing jobs
- 722 jobs from places like Applebees and Dairy Queen
- 711 jobs for carpenters, contractors, and engineers
- 452 jobs from places like Home Depot and Safeway.

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And too many more to name.

Sometimes in public service we can become numb to numbers.

But I want you to think for a moment about a friend, a family member, or a neighbor who lost their job.

Think about how hard it must be knowing you just cashed your last paycheck – with a family at home who depends on you.

But, as legislators, we have the power to change that. Not only do we have the power, it's our obligation. The people we represent are counting on us. We are just the hired hands.

And we must act.

Representative Steenson recognized this with her Jobs Recovery Resolution here in the House. Cheryl, stand up so we can thank you. Stand up so the many Montanans who've lost their jobs can thank you.

11,000 JOBS:

I've been using my position to help meet this challenge as well.

I worked 'round the clock on the new jobs bill. That's why I was proud to join President Obama yesterday in Denver as he signed the American Recovery and Relief Act, the jobs bill.

Not everyone agreed on the final package. Negotiations were tense at times. At one point I thought Rahm Emanuel, the White House Chief of Staff, and I were going to have a fist-to-cuffs.

But one thing is clear: The economic recovery and jobs bill will provide the jolt our economy needs. It is the single largest piece of economic legislation in the history of America.

This bill will pump \$626 million into our economy right here in Montana. Again, \$626 million for Montana.

That's almost half of the state's annual budget, as you well know.

But more importantly, it will protect or create 11,000 jobs here at home.

That means 11,000 of those friends, family members, or neighbors you talked to will have a job.

That means 11,000 families won't have to worry about how they will pay for groceries, or the heating bill.

11,000 breadwinners won't have to toss and turn in bed worried about providing for the little ones sleeping in the next bedroom.

But mostly, it means that 11,000 people will feel the sense of dignity and accomplishment that comes with holding down a good-paying job.

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THIRTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 18, 2009

In November, you -- well at least 73 percent of you --voted for me to continue representing you in our nation's capitol.

With that came a responsibility that I cannot deny, a sense of honor that I cannot describe, and a call to action that we cannot ignore. That call was to continue to create good-paying jobs and keep propelling our economy.

And, working with Senator Tester -- who is not only one of the best Senator's in the Senate, but also one of the best people in the Senate -- we helped craft this Jobs legislation that will give our state the jumpstart it so desperately needs.

We crafted legislation that will build roads and water projects. A jobs bill that will put shovels back to work.

We crafted legislation that will provide:

- \$212 million dollars to keep our highways safe.
- \$39 million dollars to provide clean water to rural areas
- \$38 million dollars to modernize more than 400 schools

We crafted legislation that will put more money in people's pockets through tax cuts that will help send more kids to college, reduce our dependence on foreign oil, and help people retire.

But more importantly we crafted legislation that is right for Montana.

Now we began the process of making sure those dollars are spent on Main Streets in Montana -- the right way..... right away.

It seems the million-dollar question -- well, actually the \$626-million question - on your minds is how these dollars are going to flow to Montana. As you know, those details are still being hammered out.

But I have no doubt that Montana -- all of you legislators, Governor Schweitzer, and our capable state agencies -- will hit the ground running.

While this common-sense bill was critically necessary, it is not a silver bullet. It's not a cure-all.

It's not perfect. But it's necessary. It's not sufficient, but necessary.

This bill represents one leg of a three-legged stool. The other two being addressing the housing crisis and freeing up credit. Today, we learn details of President Obama's plan to address the housing crisis. We all hope it works.

These measures, taken together, are a solid start. But there are still many long days ahead of us.

People might grow tired of being tired.

People might grow weary of being weary.

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But I believe this is the beginning of the end. Things will only get better.

Like the miners of Butte, the farmers and ranchers who homesteaded here, or Lewis and Clark who prevailed through sheer willpower – so too will we.

We will prevail.

With the strain of our backs, the calluses of our hands, and the sweat of our brow, we will pass on an even better state to our children -- with hope and promise.

Our children. The next generation. That is why we enter public service. That is why parents work night shifts. So we can give our children a better life than we had.

CHIP

Amidst all of the dark clouds surrounding our economy, there is one bright ray of sunshine. And that's our effort to cover more kids under the Children's Health Insurance Program.

Health care is as essential to kids' futures as learning the ABCs. I'm sure if you asked any pediatrician, any teacher, any parent, they would tell you that a healthy child is more likely to get a good education. And a good education is the key to our economic future.

Earlier I talked about three great Presidents, three great individuals who changed our nation and our world at pivotal moments in history.

Yet, Roosevelt overcame polio, Kennedy battled a litany of illnesses his entire life, heck even the Gipper probably had a few bumps and bruises along the way.

But they all were able to get the care they needed, and go on to accomplish great things.

But what if they wouldn't have had access to quality health care? How would our nation be different today?

Not a CHIP Fan:

You know, I have a confession to make. I'm not a fan of CHIP. . . .

I'm not a fan. . .

I'm a BIG fan. I'm a fanatical fan of CHIP.

CHIP is a real program that helps real families who really need it.

PITMAN FAMILY:

Example. The Pitman family. Stephanie and her husband, Travis, are small business owners – they run a day care here in Helena. They work hard day in and day out, but don't make enough to afford private insurance for their kids.

Patterson who is 8 and Corbin who is 4.

Yet, because of CHIP their youngsters are able to get the check-ups that they need to grow healthy. Travis isn't here today---- he's managing their daycare business -- but Stephanie, Patterson and

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Corbin are here today. Stand up, guys, so we can thank you!

I helped create CHIP in 1997, and it has since become one of the most successful programs we have ever undertaken.

Since 1997, CHIP has helped 51,000 kids in Montana. And we're just getting started.

There are still 34,000 kids in Montana without health insurance. That is 34,000 too many.

The CHIP DEAL:

For those of you who were here last session, in 2007, I took my few minutes up here to offer you a deal.

I said that I would use my chairmanship of the Senate Finance Committee to expand CHIP in Washington -- if you would expand it here in Helena.

I was proud to learn that you upheld your end of the bargain in 2007, by expanding CHIP eligibility from 150 percent of the poverty level to 175 percent. For that, I congratulate you.

As for my end of the deal. Well.... it took a while.

There is the old saying that Rome wasn't built in a day. That was sure true for CHIP.

It took more than two years. It was vetoed twice. And let me tell you, it wasn't easy.

But, two weeks ago today, I stood proudly over President Obama's shoulder as he signed my bill to expand CHIP!

And as I watched him sign the legislation, I cannot describe the sense a pride that I felt. It's something that I've felt very few times in my life.

It wasn't pride of authorship, it was pride in knowing that thousands of children in Montana -- maybe even a future President of the United States -- will be able to live a healthy life because of the work we did.

As a public servant, that is the greatest reward there is. Bar none.

I-155

But as you know, we're not done yet. Last November, Montanans overwhelmingly approved Initiative 155, the healthy kids initiative. I voted for it, too, because once I-155 is fully implemented and funded, we will cut the number of uninsured Montanans by 90 percent.

To state it another way, we'll make sure that 30,000 more kids get health insurance. That's a VERY big deal.

I want to thank Representative Hunter for his great work on this. Chuck is working to fund the I-155 expansion. Thank you, Chuck.

While we have made good progress covering our children, we're not done yet. One of my top priorities is making sure that every American has access to quality affordable health care. It is a noble

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goal that many of us share.

It is a goal deeply rooted in America: bring us your tired, bring us your poor.

As Montanans, we must strive to make sure that everyone has the ability to receive the care they need and deserve.

Earlier today, I sat down with both Caucuses here at the Capitol. I impressed upon both that I want to work together on health care. It's not a partisan issue.

I'm glad to see that Senator Brown is providing leadership on health care. I look forward to partnering with him and all of you.

Like the old proverb says, a journey of a thousand miles begins with a single step. And expanding CHIP and initiative 155 are good first steps in the journey of providing health care coverage to every American. But no journey can be completed alone. I cannot do it alone, you cannot do it alone. But together, we can.

In closing, I want to leave you with a quote from President Kennedy.

On a cold January morning in 1961, a young president bound up to a podium on the Capitol steps with a youthful vigor, and as millions tuned in with hopes of a better tomorrow, he told them all that "In your hands, my fellow citizens, more than mine, will rest the final success or failure of our course." I say to you all, the same thing today, in your hands, more than mine, rests the future of our state. Be wise. Be prudent. Serve those who have entrusted you. And as we come together, we can make Montana an even better place than it already is.

Thank you.

President Story thanked U.S. Senator Baucus and directed the select committee to escort U.S. Senator Baucus from the joint session.

Senate Majority Leader Peterson moved that the joint session of the 61st Legislature, convened to receive the address from U. S. Senator Baucus, be adjourned. Motion carried.

Joint session adjourned at 1:43 p.m.

The Senate exited the chambers.

Mr. Speaker called the House to order at 1:47 p.m.

REPORTS OF SELECT COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):

2/18/2009

HB 171, do pass. Report adopted.

HB 357, do pass. Report adopted.

HB 386, introduced bill, be amended as follows:

1. Page 2, line 2.

Following: "disposition."

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Insert: "(1) A person who is 18 years of age or older and of sound mind wishing to authorize another person to control the disposition of the person's remains may execute an affidavit before a notary public in substantially the following form:"

State of Montana } ss
County of _____ }

I, _____ [person designating another person to control the disposition of the person's remains] do hereby designate _____ [person who is provided with the right to control the disposition] with the right to control the disposition of my remains upon my death. I ___ have or ___ have not attached specific directions concerning the disposition of my remains with which the designee shall substantially comply, provided the directions are lawful and there are sufficient resources in my estate to carry out the directions.

Subscribed and sworn to before me this _____ day of the month of _____ of the year _____.

(2)"

2. Page 2, line 3.

Following: "7]"

Insert: "and subsection (1) of this section"

3. Page 2, line 5.

Following: "mind:"

Insert: "(a) a person designated by the decedent as the person with the right to control the decedent's disposition in an affidavit executed in accordance with subsection (1);"

Renumber: subsequent subsections

4. Page 3, line 3.

Strike: "(1) through (9)"

Insert: "(2)(a) through (2)(j)"

5. Page 3, line 6.

Strike: "(1) through (9)"

Insert: "(2)(a) through (2)(j)"

6. Page 3, line 8.

Following: "section 3"

Insert: "and section 4(1)"

7. Page 3, line 11.

Following: "section 3"

Insert: "and section 4(1)"

And, as amended, do pass. Report adopted.

EDUCATION (Grinde, Chairman):

2/18/2009

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HB 432, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Van Dyk, Chairman):

2/18/2009

HB 42, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "ESTABLISH" through "ADDRESSES"

Insert: "ADDRESS"

2. Title, line 7 through line 8.

Strike: "LANDS" on line 7 through "INTERESTS" on line 8

Insert: "CERTAIN LANDS"

Strike: "AND" on line 8

Insert: "ESTABLISHING A FOREST MANAGEMENT SPECIAL REVENUE ACCOUNT;"

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "87-1-201"

Insert: "AND 87-1-601"

Following: "MCA" on line 8

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 2, line 19.

Strike: "establish" through "addresses"

Insert: "address"

4. Page 2, line 20.

Strike: "for lands and property interests"

Insert: "giving priority to forested lands in excess of 50 contiguous acres in any state park, fishing access site, or wildlife management area"

5. Page 3.

Following: line 2

Insert: "NEW SECTION. Section 2. Forest management account. (1) There is a special revenue account called the forest management account to the credit of the department of fish, wildlife, and parks.

(2) The forest management account consists of money deposited into the account from forest management projects undertaken pursuant to 87-1-201(9)(a)(iv) and from any other source. Any interest earned by the account must be deposited into the account.

(3) Except as otherwise directed by state or federal law, funds from the forest management account must be used by the department to implement forest management projects that may result pursuant to the provisions 87-1-201(9)(a)(iv)."

Insert: "**Section 3.** Section 87-1-601, MCA, is amended to read:

"87-1-601. Use of fish and game money. (1) (a) Except as provided in subsections (7) and (9), all money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, from damages collected for violations of the fish and game laws of this state, or from appropriations or received by the department from any other state source must be turned over to the department of revenue and placed in the state special revenue fund to the credit of the department.

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(b) Any money received from federal sources must be deposited in the federal special revenue fund to the credit of the department.

(c) All interest earned on money from the following sources must be placed in the state special revenue fund to the credit of the department:

- (i) the general license account;
- (ii) the license drawing account;
- (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411, 87-2-722, and 87-2-724; and
- (iv) money received from the sale of any other hunting and fishing license.

(2) Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be made by the department under the terms of this title. The money described in subsection (1) must be spent for those purposes by the department, subject to appropriation by the legislature.

(3) Any reference to the fish and game fund in Title 87 means fish and game money in the state special revenue fund and the federal special revenue fund.

(4) Except as provided in subsections (7) and (8), all money collected or received from fines and forfeited bonds, except money collected or received by a justice's court, that relates to violations of state fish and game laws under Title 87 must be deposited by the department of revenue and credited to the department in a state special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the fish and game laws, the costs of prosecution must be paid to the county where the trial was held in any case in which the fine is not imposed in addition to the costs of prosecution.

(5) (a) Except as provided in section 2 and section 2(3), Chapter 560, Laws of 2005, money must be deposited in an account in the permanent fund if it is received by the department from:

- (i) the sale of surplus real property;
- (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department, except royalties or other compensation based on production; and
- (iii) leases of interests in department real property not contemplated at the time of acquisition.

(b) The interest derived from the account, but not the principal, may be used only for the purpose of operation, development, and maintenance of real property of the department and only upon appropriation by the legislature. If the use of money as set forth in this section would result in violation of applicable federal laws or state statutes specifically naming the department or money received by the department, then the use of this money must be limited in the manner, method, and amount to those uses that do not result in a violation.

(6) Money received from the collection of license drawing applications is subject to the deposit requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule pursuant to 17-6-105(8).

(7) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806, or rules adopted under 77-1-804 must be deposited in the state general fund.

(8) The department of revenue shall deposit in the state general fund one-half of the money received from the fines pursuant to 87-1-102.

(9) (a) The department shall deposit all money received from the search and rescue surcharge in 87-2-202 in a state special revenue account to the credit of the department for search and rescue purposes as provided for in 10-3-801.

(b) Upon certification by the department of reimbursement requests submitted by the department of military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the department may transfer funds from the special revenue account to the

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search and rescue account provided for in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.

(c) Using funds in the department's search and rescue account that are not already committed to reimbursement for search and rescue missions, the department may provide matching funds to the department of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears to the statewide total of search and rescue missions.

(d) Any money deposited in the special revenue account is available for reimbursement of search and rescue missions and to provide matching funds to reimburse counties for search and rescue training and equipment costs."

Insert: "NEW SECTION. **Section 4. Codification instruction.** [Section 2] is intended to be codified as an integral part of Title 87, chapter 1, and the provisions of Title 87, chapter 1, apply to [section 2]."

Insert: "NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2009."

And, as amended, do pass. Report adopted.

HJR 15, introduced joint resolution, be amended as follows:

1. Title, page 1, line 5.

Following: "EVALUATE"

Insert: "THE FEASIBILITY OF AND"

2. Page 1, line 28.

Following: "evaluate"

Insert: "the feasibility of and"

And, as amended, be adopted. Report adopted.

HB 443, be adopted. Report adopted.

JUDICIARY (Stoker, Chairman):

2/18/2009

HB 370, introduced bill, be amended as follows:

1. Page 1, line 24.

Following: "~~Montana~~;"

Insert: "(c) any motor vehicle or vehicle combination used in intrastate commerce that has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight, whichever is greater, of over 26,000 pounds and that is not a farm vehicle operating solely in Montana;"

Renumber: subsequent subsections

2. Page 3, line 14.

Following: "chapters 3"

Insert: ", "

Strike: "and"

Following: "5"

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Insert: ", and 6"

And, as amended, do pass. Report adopted.

HB 431, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "DOG" on line 4

Insert: "CANINE"

2. Title, line 5.

Strike: "DOG"

Insert: "CANINE"

3. Page 1, line 11.

Strike: "dog" in two places

Insert: "canine" in two places

4. Page 1, line 11.

Following: "(1)"

Insert: "(a)"

5. Page 1, line 14.

Strike: "dog"

Insert: "canine"

6. Page 1, line 15.

Strike: "viciousness"

Insert: "behavior"

7. Page 1, line 15.

Strike: "dog"

Insert: "canine"

8. Page 1, line 16.

Strike: "dog's viciousness"

Insert: "canine's behavior"

9. Page 1.

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Following: line 16

Insert: "(b) If the injured individual is less than 9 years old at the time the injury occurs, there is a disputable presumption that the injury occurred without provocation by the injured individual."

10. Page 1, line 24.

Strike: "dog"

Insert: "canine"

And, as amended, do pass. Report adopted.

HB 477, do pass. Report adopted.

HB 490, do pass. Report adopted.

HB 495, do pass. Report adopted.

HB 515, do pass. Report adopted.

HB 533, do pass. Report adopted.

HJR 20, be adopted. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman):

2/18/2009

HB 331, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "REVISING" through "ESTABLISHMENT";"

2. Title, page 1, line 6.

Strike: "50-50-102,"

3. Page 1, line 11 through page 4, line 1.

Strike: section 1 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

TAXATION (Lake, Chairman):

2/18/2009

HJR 2, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "PRELIMINARY"

2. Page 2, line 17.

Strike: "\$1,915,651,000"

Insert: "\$1,877,991,000"

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Strike: "\$1,873,585,000"
Insert: "\$1,770,914,000"

3. Page 2, line 18.
Strike: "\$1,941,532,000"
Insert: "\$1,830,135,000"

4. Page 2, line 19.
Strike: "preliminary"

5. Page 2, line 20.
Strike: "\$432,998,000"
Insert: "\$433,580,170"

6. Page 3, line 7.
Following: "Division."
Insert: "Changes to the revenue estimates and the assumptions may be made by the Legislature."

7. Page 3, line 13.
Strike: "\$871.653"
Insert: "\$856.506"
Strike: "\$884.934"
Insert: "\$845.333"
Strike: "\$908.994"
Insert: "\$859.007"

8. Page 3, line 14.
Strike: "211.495"
Insert: "214.615"
Strike: "222.983"
Insert: "225.628"
Strike: "228.933"
Insert: "229.428"

9. Page 3, line 15.
Strike: "156.132"
Insert: "157.715"
Strike: "136.293"
Insert: "117.579"
Strike: "149.352"
Insert: "124.250"

10. Page 3, line 16.
Strike: "116.771"
Insert: "94.641"
Strike: "100.066"
Insert: "69.831"
Strike: "105.177"

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Insert: "85.220"

11. Page 3, line 17.

Strike: "95.014"

Insert: "93.493"

Strike: "93.748"

Insert: "92.247"

Strike: "91.559"

Insert: "90.093"

12. Page 3, line 18.

Strike: "49.769"

Insert: "49.878"

Strike: "47.144"

Insert: "47.836"

Strike: "49.268"

Insert: "50.206"

13. Page 3, line 20.

Strike: "29.392"

Insert: "29.319"

Strike: "28.787"

Insert: "28.573"

Strike: "28.606"

Insert: "28.281"

14. Page 3, line 21.

Strike: "28.259"

Insert: "24.986"

Strike: "31.518"

Insert: "28.374"

Strike: "32.505"

Insert: "31.061"

15. Page 4, line 1.

Strike: "65.749"

Insert: "65.415"

Strike: "32.816"

Insert: "32.126"

Strike: "33.575"

Insert: "32.831"

16. Page 4, line 2

Strike: "36.373"

Insert: "34.564"

Strike: "36.720"

Insert: "32.984"

Strike: "37.082"

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Insert: "33.053"

17. Page 4, line 3.

Strike: "3.962"

Insert: "3.956"

Strike: "4.013"

Insert: "4.007"

Strike: "4.077"

Insert: "4.071"

18. Page 4, line 4.

Strike: "11.107"

Insert: "16.673"

Strike: "10.185"

Insert: "7.899"

Strike: "19.381"

Insert: "15.596"

19. Page 4, line 5.

Strike: "21.614"

Insert: "21.597"

Strike: "21.701"

Insert: "21.676"

Strike: "21.798"

Insert: "21.762"

20. Page 4, line 6.

Strike: "19.227"

Insert: "18.926"

Strike: "19.969"

Insert: "19.672"

Strike: "19.771"

Insert: "19.481"

21. Page 4, line 8.

Strike: "13.339"

Insert: "13.109"

Strike: "13.796"

Insert: "13.376"

Strike: "14.382"

Insert: "13.926"

22. Page 4, line 10.

Strike: "15.845"

Insert: "15.787"

Strike: "16.717"

Insert: "16.570"

Strike: "17.859"

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Insert: "17.627"

23. Page 4, line 12.

Strike: "10.516"

Insert: "10.494"

Strike: "11.309"

Insert: "11.244"

Strike: "12.022"

Insert: "11.921"

24. Page 4, line 13.

Strike: "8.894"

Insert: "8.910"

Strike: "9.197"

Insert: "9.237"

Strike: "9.682"

Insert: "9.749"

25. Page 4, line 16.

Strike: "9.854"

Insert: "6.777"

Strike: "8.085"

Insert: "3.248"

Strike: "8.066"

Insert: "3.279"

26. Page 4, line 20.

Strike: "4.768"

Insert: "4.738"

Strike: "4.837"

Insert: "4.796"

27. Page 5, line 6.

Strike: "\$1,915.651"

Insert: "\$1,877.991"

Strike: "\$1,873.585"

Insert: "\$1,770.914"

Strike: "\$1,941.532"

Insert: "\$1,830.135"

28. Page 5, line 14.

Strike: "4.52%"

Insert: "3.85%"

Strike: "2.29%"

Insert: "0.75%"

Strike: "3.09%"

Insert: "2.31%"

Strike: "3.41%"

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Insert: "2.87%"

29. Page 5, line 16.

Strike: "1.14%"

Insert: "(0.66%)"

Strike: "(1.46%)"

Insert: "(9.50%)"

Strike: "(1.42%)"

Insert: "(3.59%)"

Strike: "8.05%"

Insert: "6.99%"

30. Page 5, line 17.

Strike: "6.09%"

Insert: "6.14%"

Strike: "(1.18%)"

Insert: "(2.61%)"

Strike: "1.33%"

Insert: "(1.52%)"

Strike: "3.06%"

Insert: "0.09%"

31. Page 5, line 18.

Strike: the first "0.00%"

Insert: "10.77%"

Strike: the second "0.00%"

Insert: "(3.58%)"

Strike: the third "0.00%"

Insert: "(6.43%)"

Strike: the fourth "0.00%"

Insert: "3.40%"

32. Page 5, line 19.

Strike: "(0.24%)"

Insert: "5.39%"

Strike: "2.46%"

Insert: "(6.17%)"

Strike: "4.34%"

Insert: "(11.97%)"

Strike: "4.36%"

Insert: "4.28%"

33. Page 5, line 20.

Strike: "(16.32%)"

Insert: "(17.32%)"

Strike: "(17.35%)"

Insert: "(24.90%)"

Strike: "11.63%"

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Insert: "19.97%"

Strike: "13.60%"

Insert: "14.09%"

34. Page 6, line 2.

Strike: the second "5.75%"

Insert: "1.50%"

Strike: the third "5.75%"

Insert: "1.50%"

35. Page 6, line 3.

Strike: the second "6.06%"

Insert: "1.50%"

Strike: the third "6.06%"

Insert: "1.50%"

36. Page 7, line 10.

Strike: "\$16.010"

Insert: "\$24.540"

Strike: "\$35.469"

Insert: "\$48.377"

Strike: "\$25.008"

Insert: "\$15.373"

37. Page 7, line 11.

Strike: "\$142.057"

Insert: "\$142.099"

Strike: "\$142.057"

Insert: "\$142.099"

Strike: "\$142.057"

Insert: "\$142.099"

38. Page 7, line 12.

Strike: "\$1,297.014"

Insert: "\$1,296.595"

Strike: "\$1,342.410"

Insert: "\$1,341.975"

Strike: "\$1,389.394"

Insert: "\$1,388.945"

39. Page 7, line 13.

Strike: "\$35.066"

Insert: "\$35.155"

Strike: "\$35.767"

Insert: "\$35.857"

Strike: "\$36.481"

Insert: "\$36.572"

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40. Page 7, line 15.

Strike: "\$149.006"

Insert: "\$151.317"

Strike: "\$156.412"

Insert: "\$158.838"

Strike: "\$164.186"

Insert: "\$166.733"

41. Page 7, line 16.

Strike: "\$263.378"

Insert: "\$260.190"

Strike: "\$278.274"

Insert: "\$274.906"

Strike: "\$294.013"

Insert: "\$290.454"

42. Page 7, line 18.

Strike: "\$43.582"

Insert: "\$43.567"

Strike: "\$46.615"

Insert: "\$43.615"

43. Page 7, line 19.

Strike: "\$154.587"

Insert: "\$154.611"

Strike: "\$162.382"

Insert: "\$162.407"

Strike: "\$170.570"

Insert: "\$170.597"

44. Page 7.

Following: line 19

Insert: "FY	Property Class Fourteen (Millions)			\$2.944	\$3.179	\$3.434	\$3.708
--------------------	------------------------------------	--	--	---------	---------	---------	---------

FY	Property Class Fifteen (Millions)	\$0.000	\$0.000	\$0.000	\$0.000		
----	-----------------------------------	---------	---------	---------	---------	--	--

FY	Property Class Sixteen (Millions)	\$0.000	\$0.000	\$0.000	\$0.000		
----	-----------------------------------	---------	---------	---------	---------	--	--

45. Page 7, line 20.

Strike: "\$2,109.958"

Insert: "\$2,117.330"

Strike: "\$2,206.838"

Insert: "\$2,218.526"

Strike: "\$2,276.046"

Insert: "\$2,265.108"

46. Page 8, line 4.

Strike: "\$739.372"

Insert: "\$747.522"

Strike: "\$773.066"

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Insert: "\$778.279"
Strike: "\$797.341"
Insert: "\$802.589"

47. Page 8, line 13.
Strike: "1.63%"
Insert: "0.00%"

48. Page 8, line 14.
Strike: "1.63%"
Insert: "0.00%"

49. Page 8, line 15.
Strike: "1.63%"
Insert: "0.00%"

50. Page 8, line 16.
Strike: "1.63%"
Insert: "0.00%"

51. Page 8, line 17.
Strike: "1.63%"
Insert: "0.00%"

52. Page 8, line 19.
Strike: "\$1,755.100"
Insert: "\$1,749.800"
Strike: "\$1,647.600"
Insert: "\$1,493.000"
Strike: "\$1,752.400"
Insert: "\$1,499.100"
Strike: "\$1,845.400"
Insert: "\$1,706.500"

53. Page 8, line 21.
Strike: "(1.01%)"
Insert: "(1.78%)"
Strike: "(1.04%)"
Insert: "(4.00%)"
Strike: "3.11%"
Insert: "4.79%"
Strike: "2.44%"
Insert: "3.93%"

54. Page 9, line 1.
Strike: "0.52%"
Insert: "(1.19%)"
Strike: "2.45%"

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Insert: "(2.15%)"
Strike: "3.98%"
Insert: "5.28%"
Strike: "3.86%"
Insert: "5.43%"

55. Page 9, line 2.
Strike: "0.43%"
Insert: "(0.05%)"
Strike: "(0.14%)"
Insert: "(4.79%)"
Strike: "2.24%"
Insert: "4.47%"
Strike: "1.96%"
Insert: "3.59%"

56. Page 9, line 3.
Strike: "(0.70%)"
Insert: "(0.76%)"
Strike: "2.56%"
Insert: "1.36%"
Strike: "5.59%"
Insert: "4.74%"
Strike: "6.55%"
Insert: "4.94%"

57. Page 9, line 5.
Strike: "(13.74%)"
Insert: "(6.76%)"
Strike: "(14.95%)"
Insert: "(68.22%)"
Strike: "(0.79%)"
Insert: "(1.22%)"
Strike: "1.09%"
Insert: "3.12%"

58. Page 9, line 6.
Strike: "32.91%"
Insert: "25.21%"
Strike: "(42.28%)"
Insert: "(62.58%)"
Strike: "14.11%"
Insert: "36.30%"
Strike: "(8.64%)"
Insert: "7.35%"

59. Page 9, line 8.
Strike: "(12.17%)"

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Insert: "(3.22%)"
Strike: "2.50%"
Insert: "(11.55%)"
Strike: "18.85%"
Insert: "13.72%"

60. Page 9, line 9.
Strike: "(0.07%)"
Insert: "(0.14%)"
Strike: "0.18%"
Insert: "0.14%"
Strike: "0.22%"
Insert: "0.17%"

61. Page 9, line 10.
Strike: "(11.88%)"
Insert: "(13.24%)"
Strike: "(17.71%)"
Insert: "(21.50%)"
Strike: "5.87%"
Insert: "5.94%"
Strike: "12.33%"
Insert: "12.62%"

62. Page 9, line 12.
Strike: "(12.17%)"
Insert: "(3.22%)"
Strike: "2.50%"
Insert: "(11.55%)"
Strike: "18.85%"
Insert: "13.72%"

63. Page 10, line 4.
Strike: "\$11.867"
Insert: "\$11.677"
Strike: "\$11.709"
Insert: "\$11.522"
Strike: "\$11.436"
Insert: "\$11.253"

64. Page 10, line 5.
Strike: "\$0.661"
Insert: "\$0.650"
Strike: "\$0.652"
Insert: "\$0.641"
Strike: "\$0.637"
Insert: "\$0.627"

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65. Page 10, line 6.

Strike: "\$2.504"

Insert: "\$2.464"

Strike: "\$2.470"

Insert: "\$2.431"

Strike: "\$2.413"

Insert: "\$2.374"

66. Page 10, line 7.

Strike: "\$1.358"

Insert: "\$1.336"

Strike: "\$1.340"

Insert: "\$1.318"

Strike: "\$1.308"

Insert: "\$1.287"

67. Page 10, line 8.

Strike: "\$1.511"

Insert: "\$1.493"

Strike: "\$2.489"

Insert: "\$2.471"

Strike: "\$2.700"

Insert: "\$2.682"

68. Page 10, line 10.

Strike: "\$1.132"

Insert: "\$1.113"

Strike: "\$1.116"

Insert: "\$1.099"

Strike: "\$1.090"

Insert: "\$1.073"

69. Page 10, line 15.

Strike: "\$88.599"

Insert: "\$34.838"

Strike: "\$46.631"

Insert: "\$34.838"

Strike: "\$50.681"

Insert: "\$39.845"

Strike: "\$52.342"

Insert: "\$48.292"

70. Page 10, line 17.

Strike: "\$6.603"

Insert: "\$6.676"

Strike: "\$5.179"

Insert: "\$3.930"

Strike: "\$6.182"

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Insert: "\$4.976"
Strike: "\$6.402"
Insert: "\$5.762"

71. Page 12, line 2.
Strike: "34.258"
Insert: "31.570"
Strike: "33.125"
Insert: "28.653"
Strike: "31.803"
Insert: "26.431"
Strike: "28.417"
Insert: "24.612"

72. Page 12, line 3.
Strike: "\$89.200"
Insert: "\$89.767"
Strike: "\$47.779"
Insert: "\$31.841"
Strike: "\$56.368"
Insert: "\$45.628"
Strike: "\$56.217"
Insert: "\$54.397"

73. Page 12, line 4.
Strike: "9.14%"
Insert: "9.48%"
Strike: "9.49%"
Insert: "10.21%"
Strike: "9.60%"
Insert: "10.19%"
Strike: "10.23%"
Insert: "10.38%"

74. Page 12, line 7.
Strike: "\$6.776"
Insert: "\$6.752"
Strike: "\$5.327"
Insert: "\$3.693"
Strike: "\$6.165"
Insert: "\$5.318"
Strike: "\$6.152"
Insert: "\$5.526"

75. Page 12, line 10.
Strike: "\$711.992"
Insert: "\$829.492"
Strike: "\$581.992"

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Insert: "\$750.176"
Strike: "\$581.992"
Insert: "\$770.183"

76. Page 12, line 11.
Strike: "1.56%"
Insert: "2.01%"
Strike: "1.75%"
Insert: "1.05%"
Strike: "3.33%"
Insert: "2.03%"

77. Page 12, line 20.
Strike: "50.817"
Insert: "48.415"
Strike: "51.333"
Insert: "46.245"
Strike: "51.855"
Insert: "46.245"

78. Page 13, line 1.
Strike: "\$4.083"
Insert: "\$3.889"
Strike: "\$4.148"
Insert: "\$3.737"

79. Page 14, line 5.
Strike: "73.969"
Insert: "82.506"
Strike: "70.998"
Insert: "70.802"
Strike: "71.028"
Insert: "75.169"
Strike: "71.059"
Insert: "79.536"

80. Page 14, line 6.
Strike: "1.149"
Insert: "2.034"
Strike: the first "0.680"
Insert: "1.122"
Strike: the second "0.680"
Insert: "1.565"

81. Page 14, line 7.
Strike: "0.025"
Insert: "0.024"
Strike: the first "0.010"

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Insert: "0.009"
Strike: the second "0.010"
Insert: "0.009"

82. Page 14, line 13.

Strike: "0.986"
Insert: "0.821"
Strike: "1.015"
Insert: "0.863"
Strike: "1.046"
Insert: "0.863"
Strike: "1.077"
Insert: "0.863"

83. Page 14, line 17.

Strike: "\$3.893"
Insert: "\$3.480"
Strike: "\$3.465"
Insert: "\$1.500"
Strike: the first "\$3.503"
Insert: "\$1.516"
Strike: the second "\$3.503"
Insert: "\$1.516"

84. Page 14, line 18.

Strike: "\$18.906"
Insert: "\$16.310"
Strike: "\$12.956"
Insert: "\$10.000"
Strike: "\$13.078"
Insert: "\$10.094"
Strike: "\$13.403"
Insert: "\$10.345"

85. Page 14, line 19.

Strike: "\$927.948"
Insert: "\$887.540"

86. Page 14, line 20.

Strike: the first "\$1.205"
Insert: "\$0.960"
Strike: the second "\$1.205"
Insert: "\$0.500"
Strike: the third "\$1.205"
Insert: "\$0.500"
Strike: the fourth "\$1.205"
Insert: "\$0.500"

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87. Page 14, line 21.

Strike: the first "\$0.987"

Insert: "\$0.810"

Strike: the second "\$0.987"

Insert: "\$0.550"

Strike: the third "\$0.987"

Insert: "\$0.550"

Strike: the fourth "\$0.987"

Insert: "\$0.550"

88. Page 15, line 4.

Strike: the first "\$12.087"

Insert: "\$8.380"

Strike: the second "\$12.087"

Insert: "\$5.000"

Strike: the third "\$12.087"

Insert: "\$5.000"

Strike: the fourth "\$12.087"

Insert: "\$5.000"

89. Page 16, line 19.

Following: "Division."

Insert: "Changes to the revenue estimates and the assumptions may be made by the Legislature."

90. Page 17, line 6.

Strike: "88.354"

Insert: "84.139"

Strike: "70.091"

Insert: "71.015"

Strike: "55.764"

Insert: "57.112"

91. Page 17, line 9.

Strike: "13.658"

Insert: "13.702"

Strike: "14.601"

Insert: "14.671"

Strike: "14.990"

Insert: "14.924"

92. Page 17, line 10.

Strike: "5.582"

Insert: "5.580"

Strike: "5.584"

Insert: "5.577"

Strike: "5.594"

Insert: "5.583"

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93. Page 17, line 11.

Strike: "9.339"

Insert: "9.251"

Strike: "9.989"

Insert: "9.718"

Strike: "10.938"

Insert: "10.511"

94. Page 17, line 15.

Strike: "1.053"

Insert: "1.051"

Strike: "1.085"

Insert: "1.079"

Strike: "1.122"

Insert: "1.112"

95. Page 17, line 17.

Strike: "5.299"

Insert: "5.284"

Strike: "6.121"

Insert: "6.027"

Strike: "6.987"

Insert: "6.804"

96. Page 17, line 18.

Strike: "2.369"

Insert: "2.331"

Strike: "2.690"

Insert: "2.573"

Strike: "3.136"

Insert: "2.951"

97. Page 17, line 19.

Strike: "2.117"

Insert: "2.091"

Strike: "2.431"

Insert: "2.347"

Strike: "2.830"

Insert: "2.695"

98. Page 17, line 20.

Strike: "0.451"

Insert: "0.450"

Strike: "0.465"

Insert: "0.460"

99. Page 17, line 21.

Strike: "0.634"

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Insert: "0.632"
Strike: "0.650"
Insert: "0.645"
Strike: "0.671"
Insert: "0.663"

100. Page 18, line 1.
Strike: the second "0.334"
Insert: "0.333"
Strike: "0.338"
Insert: "0.336"
Strike: "0.347"
Insert: "0.342"

101. Page 18, line 2.
Strike: "\$380.775"
Insert: "\$376.430"
Strike: "\$363.821"
Insert: "\$364.228"
Strike: "\$351.234"
Insert: "\$351.547"

102. Page 19, line 6.
Strike: "\$2,135.710"
Insert: "\$2,143.082"
Strike: "\$2,231.659"
Insert: "\$2,243.347"
Strike: "\$2,300.783"
Insert: "\$2,289.845"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

2/18/2009

SB 236, introduced by Wanzenried

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 626, introduced by Welborn, referred to State Administration.

HB 627, introduced by Hiner, Williams, Bergren, Sesso, Wiseman, Dickenson, Driscoll, Malek, French, Pomnichowski, Augare, Villa, Wilmer, A. Noonan, Hollenbaugh, Boland, Steenson, P. Noonan, Pease-Lopez, Campbell, Grinde, Roundstone, Fleming, Di. Barrett, Hamilton, Menahan, Reinhart, Ebinger, Boss Ribs, McClafferty, MacDonald, Belcourt, McChesney, McAlpin, Cohenour, Henry, Becker, Furey, Hunter, Sands, referred to Appropriations.

HB 628, introduced by Stoker, referred to Judiciary.

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HB 629, introduced by Glaser, Stahl, referred to Education.

HB 630, introduced by Sands, Gillan, Driscoll, MacDonald, referred to Taxation.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 28, introduced by Becker, referred to Human Services.

HJR 29, introduced by Butcher, Regier, Howard, Himmelberger, MacLaren, Klock, Ingraham, Vincent, Blasdel, Randall, Ankney, Bennett, Jones, Miller, Stahl, Mendenhall, Bean, Kasten, Sonju, B. Beck, Nooney, Vance, Welborn, More, Boniek, Warburton, Hoven, Wagner, , Smith, Reichner, referred to Education.

The following Senate bill was introduced, read first time, and referred to committee:

SB 236, introduced by Wanzenried, Williams, Erickson, Steinbeisser, R. Brown, Larsen, Kaufmann, French, Augare, Villa, referred to Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Steenson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 322 - Representative Blewett moved **HB 322** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: B. Beck, Mendenhall, Sales, Sonju, Wagner.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 401 - Representative Caferro moved **HB 401** do pass. Motion carried as follows:

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Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 54

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 46

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 404 - Representative Reinhart moved **HB 404** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 85

Nays: Bean, Boniek, Butcher, Hawk, Hendrick, Himmelberger, Howard, Kasten, Lake, McGillvray, Morgan, Randall, Smith, Wagner, Welborn.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 407 - Representative MacDonald moved **HB 407** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard,

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Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Grinde.
Total 1

HB 451 - Representative Ebinger moved **HB 451** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 51

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hands, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 49

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 475 - Representative Phillips moved **HB 475** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl,

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Stenson, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman.
Total 89

Nays: B. Beck, Miller, Randall, Sales, Sonju, Stoker, Vance, Wagner, Welborn, Mr. Speaker.
Total 10

Excused: None.
Total 0

Absent or not voting: Regier.
Total 1

HB 509 - Representative Ingraham moved **HB 509** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson.
Total 94

Nays: Jopek, Pomnichowski, Villa, Warburton, Wiseman, Mr. Speaker.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Stenson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Stenson, Stoker, Taylor, Vance, Van Dyk, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 89

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Nays: Bean, Glaser, Hawk, Regier, Sales, Villa, Vincent, Wagner.
Total 8

Excused: Boss Ribs.
Total 1

Absent or not voting: Arntzen, Mendenhall.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 179 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 81

Nays: Boniek, Brown, Hendrick, Howard, Kasten, Lake, Mendenhall, Miller, More, Randall, Sales, Taylor, Vincent, Wagner, Washburn.
Total 15

Excused: Boss Ribs.
Total 1

Absent or not voting: Belcourt, Campbell, Roundstone.
Total 3

HB 301 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 71

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Fleming, Hoven, Howard,

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Ingraham, Lake, Mendenhall, More, Pomnichowski, Randall, Regier, Roberts, Sales, Smith, Sonju, Stoker, Vance, Vincent, Wagner, Washburn, Welborn.

Total 28

Excused: Boss Ribs.

Total 1

Absent or not voting: None.

Total 0

HB 338 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Becker, Boniek, Butcher, Kasten, MacDonald, Miller, Randall, Sales, Warburton.

Total 9

Excused: Boss Ribs.

Total 1

Absent or not voting: None.

Total 0

HB 343 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Mr. Speaker.

Total 81

Nays: B. Beck, Becker, Caferro, Dickenson, Hands, Hendrick, Howard, Jopek, Kasten, MacDonald, Miller, Pomnichowski, Reinhart, Roundstone, Sales, Welborn, Wilson, Wiseman.

Total 18

Excused: Boss Ribs.

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Total 1

Absent or not voting: None.

Total 0

HB 380 passed as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Miller.

Total 1

Excused: Boss Ribs.

Total 1

Absent or not voting: Ankney, Welborn.

Total 2

HB 382 passed as follows:

Yeas: Ankney, Arntzen, Augare, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Butcher, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Klock, Kottel, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Randall, Regier, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 78

Nays: Barrett, Bean, P. Beck, Brown, Driscoll, Hawk, Hendrick, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Lake, Malek, Morgan, O'Hara, Peterson, Pomnichowski, Roberts, Vance.

Total 21

Excused: Boss Ribs.

Total 1

Absent or not voting: None.

Total 0

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HB 383 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Kerns, More, Peterson, Regier, Wagner.

Total 5

Excused: Boss Ribs.

Total 1

Absent or not voting: Dickenson.

Total 1

HB 426 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: O'Hara.

Total 1

Excused: Boss Ribs.

Total 1

Absent or not voting: None.

Total 0

HJR 13 failed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry,

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Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 49

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 50

Excused: Boss Ribs.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Rep. Campbell moved that **HB 615** be moved from Business and Labor to Appropriations. Motion carried.

Rep. Campbell moved that **HB 161** be moved to the Appropriations committee. Motion carried.

Rep. Campbell moved that **HB 401** be moved to the Appropriations committee. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Thursday, February 19, 2009. Motion carried.

House adjourned at 2:34 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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61ST LEGISLATURE
THIRTY-NINTH LEGISLATIVE DAY**

Helena, Montana
February 19, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Smith. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Wilson announced that it was Rep. Mehlhoff's birthday yesterday, Rep. Wilson led the chambers in singing happy birthday for Rep. Mehlhoff.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):
HB 194, introduced bill, be amended as follows:

2/19/2009

1. Title, page 1, line 6.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 3.

Following: line 16

Insert: "NEW SECTION. Section 5. Termination. [This act] terminates June 30, 2019."

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (Wilson, Chairman):
HB 408, introduced bill, be amended as follows:

2/19/2009

1. Title, line 5 through line 6.

Strike: ", VOLUNTEER" on line 5 through "OFFICERS" on line 6

2. Page 1, line 10.

Strike: ", volunteers" through "officers"

3. Page 1, line 19 through line 20.

Strike: "and peace" on line 19 through "officers" on line 20

4. Page 3, line 13 through line 14.

Strike: subsection (12) in its entirety

ReNUMBER: subsequent subsections

5. Page 4, line 18.

Strike: subsection (25) in its entirety

ReNUMBER: subsequent subsections

6. Page 4, line 30 through page 5, line 1.

Strike: "volunteer" on page 4, line 30 through "officer" on page 5, line 1

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7. Page 5, line 21.

Strike: "(33)"

Insert: "(31)"

8. Page 6, line 23.

Strike: "(40)(a)"

Insert: "(38)(a)"

9. Page 6, line 28.

Strike: "(40)(a)"

Insert: "(38)(a)"

Strike: "(40)(e)"

Insert: "(38)(e)"

10. Page 7, line 6.

Strike: ", volunteer" through "officer"

11. Page 7, line 17 through line 18.

Strike: ", volunteer" on line 17 through "officer" on line 18

12. Page 7, line 22 through line 23.

Strike: ", volunteer" on line 22 through "officer" on line 23

13. Page 8, line 23.

Strike: ", volunteer" through "officers"

And, as amended, do pass. Report adopted.

HB 417, introduced bill, be amended as follows:

1. Page 7, line 20 through line 21.

Strike: "The" on line 20 through "to" on line 21

Insert: "A home inspector may not"

2. Page 7, line 22.

Following: "(1)"

Insert: "(a)"

3. Page 7, following line 22.

Insert: "(b) perform any work or provide any service for which another professional license is required unless the home inspector possesses that other license; or

(c) act as an energy star verifier or a green building verifier accredited by the national association of home builders unless the home inspector is qualified to act in that capacity;"

And, as amended, do pass. Report adopted.

HB 542, introduced bill, be amended as follows:

1. Page 2, line 27.

Following: "a motor-driven cycle as defined in 61-1-101,"

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Insert: "an off-highway vehicle as defined in 61-1-101,"

2. Page 6, line 27.

Strike: "or"

Insert: "(s) refuse to allocate, sell, or deliver motorsports vehicles, may not charge back or withhold payments or other things of value for which the motorsports dealer is otherwise eligible under a sales promotion, program, or contest, and may not prevent the motorsports dealer from participating in any promotion, program, or contest based on the motorsports dealer's selling of a motorsports vehicle to a customer who was present at the dealership if the motorsports dealer did not know or could not have reasonably known that the motorsports vehicle would be shipped to a foreign country. There is a rebuttable presumption that the motorsports dealer did not know or could not have reasonably known that the motorsports vehicle would be shipped to a foreign country if the motorsports vehicle is titled in the United States."

Renumber: subsequent subsection

3. Page 10, line 30.

Strike: "or"

4. Page 11, line 1 through line 2.

Following: "(i)"

Strike: "offer" on line 1 through "unless" on line 2

Insert: "offer a program where a Montana motorsports dealer would be eligible for a benefit or advantage that lowers the actual price of a motorsports vehicle, part, or accessory only if the motorsports dealer purchases from the motorsports manufacturer a quantity of motorsports vehicles, parts, or accessories as determined by the motorsports manufacturer unless"

5. Page 11, line 3.

Following: "agrees"

Strike: "to the sales goal or objective"

Following: "writing"

Insert: "to the quantity of motorsports vehicles, parts, or accessories to be purchased as determined by the motorsports manufacturer"

6. Page 11, line 4.

Following: "(B) the"

Strike: "sales goal or objective"

Insert: "quantity determined by the motorsports manufacturer"

7. Page 11, line 8 through line 9.

Strike: "that" on line 8 through "equitable" on line 9

8. Page 11, following line 15.

Insert: "(u) refuse to allocate, sell, or deliver motorsports vehicles, may not charge back or withhold payments or other things of value for which the motorsports dealer is otherwise eligible under a sales promotion, program, or contest, and may not prevent the motorsports dealer from participating in any promotion, program, or contest based on the motorsports dealer's selling of a motorsports vehicle to a customer who was present at the dealership if the motorsports dealer did not know or could not have reasonably known that the motorsports vehicle would be shipped to a foreign country. There is a rebuttable presumption that the motorsports dealer did not know or could not have reasonably known that the motorsports vehicle would be shipped to a foreign country if the motorsports vehicle is titled in the United States."

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9. Page 12, line 28.

Strike: "franchise agreements that are entered into or renewed"

Insert: "transactions that occur"

10. Page 12, line 29.

Strike: "act"

Insert: "section"

And, as amended, do pass. Report adopted.

HB 544, introduced bill, be amended as follows:

1. Title, line 4.

Following: "THAT"

Strike: "AN"

Insert: "A DISABILITY"

2. Title, line 6.

Following: "ADVANCE;"

Strike: "AND"

Following: "REQUIRING THE"

Insert: "DISABILITY"

3. Title, line 7.

Following: "INSURED"

Insert: "; AND CREATING AN EXCEPTION FOR CERTAIN SHORT-TERM DISABILITY POLICIES"

4. Page 1, line 12.

Following: "to any"

Insert: "disability"

Following: "coverage, the"

Insert: "disability"

5. Page 1, line 13.

Following: "The"

Insert: "disability"

6. Page 1, line 14.

Following: "."

Insert: "This section does not apply to a short-term disability policy that has a duration of 6 months or less."

7. Page 1, line 17.

Following: "part of Title 33,"

Strike: "chapter 18, part 2"

Insert: "chapter 22, part 1"

Following: "provisions of Title 33,"

Strike: "chapter 18, part 2"

Insert: "chapter 22, part 1"

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And, as amended, do pass. Report adopted.

HB 565, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "AND OTHER COSTS"

Insert: "FOR 6 MONTHS THAT WOULD"

2. Title, line 6.

Following: "OTHERWISE"

Insert: "BE"

3. Page 1, line 19.

Following: "reimburse"

Strike: "any enrollment fees,"

Following: "premiums"

Strike: ", "

4. Page 1, line 20.

Strike: "deductibles, cost-sharing expenses, copayments, or other expenses that would otherwise have to"

Insert: "for 6 months that would otherwise"

5. Page 2, line 2.

Following: "select"

Insert: "on or after July 1, 2009"

6. Page 2, line 30 through page 3, line 1.

Strike: "enrollment" on page 2, line 30 through "expenses" on page 3, line 1

Strike: "premiums"

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman):

2/19/2009

HB 420, introduced bill, be amended as follows:

1. Title, line 5.

Following: "MAY ADOPT"

Insert: "INCENTIVE-BASED"

2. Title, line 6.

Following: "PROVIDING THAT THE"

Insert: "INCENTIVE-BASED"

3. Page 2, line 21.

Following: "(6)"

Insert: "(a)"

4. Page 2, line 22.

Following: "new construction"

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Insert: "based on providing incentives to encourage voluntary energy conservation"

Following: "The"

Insert: "incentive-based"

5. Page 2, line 24.

Following: line 23

Insert: "(b) New construction is not required to meet local standards that exceed state energy conservation standards unless the building contractor elects to receive a local incentive."

6. Page 4, line 21.

Following: "construction"

Insert: "based on providing incentives to encourage voluntary energy conservation"

Following: "The"

Insert: "incentive-based"

7. Page 4, line 22.

Following: "code."

Insert: "New construction is not required to meet local standards that exceed state energy conservation standards unless the building contractor elects to receive a local incentive."

8. Page 5, line 17.

Following: "construction"

Insert: "based on providing incentives to encourage voluntary energy conservation"

Following: "The"

Insert: "incentive-based"

9. Page 5, line 18.

Following: "code."

Insert: "New construction is not required to meet local standards that exceed state energy conservation standards unless the building contractor elects to receive a local incentive."

10. Page 6, line 17.

Following: "construction if"

Strike: " z "

Insert: ":(a) "

11. Page 6, line 19.

Following: "construction"

Insert: "based on providing incentives to encourage voluntary energy conservation; and
(b) the building contractor elected to receive a local incentive"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

2/19/2009

HB 546, do pass. Report adopted.

HJR 22, be adopted. Report adopted.

TRANSPORTATION (Sonju, Chairman):

2/19/2009

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HB 279, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

Strike: "CERTAIN PROGRAMS" on line 5 through "THE DEPARTMENT" on line 6

Insert: "THE COMMUNITY TRANSPORTATION ENHANCEMENT PROGRAM"

2. Page 1, line 11.

Strike: "exemptions"

Insert: "exemption"

3. Page 1, line 18.

Strike: "following programs financed by federal funds:"

4. Page 1, line 19.

Strike: "(a)"

Strike: ":",
 ₂"

5. Page 1, line 20 through line 21.

Strike: "(b)" on line 20 through "program-urban" on line 21

And, as amended, do pass. Report adopted.

HB 472, do pass. Report adopted.

HB 531, do pass. Report adopted.

HB 563, introduced bill, be amended as follows:

1. Page 1, line 10.

Following: "(1) A"

Insert: "directly affected"

2. Page 1, line 20.

Following: "(2) The"

Insert: "directly affected"

3. Page 1, line 29.

Following: line 28

Insert: "(4) The court shall provide notice to affected landowners before recognizing or declining to recognize a route of a county road as the legal route."

And, as amended, do pass. Report adopted.

HB 567, introduced bill, be amended as follows:

1. Page 1, lines 29 and 30.

Strike: ", new requirements" on line 29 through "new rules" on line 30

2. Page 6, line 11.

Following: "vehicles,"

Insert: "may not penalize a dealer,"

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3. Page 9, line 19.

Following: "agreement"

Insert: "pursuant to subsection (8)"

4. Page 9, line 20.

Following: "franchisee"

Insert: "or another new motor vehicle dealer of the franchisor in the area"

5. Page 9, line 26.

Following: "franchisee"

Insert: "whose agreement is terminated, canceled, or not renewed pursuant to subsection (8)"

6. Page 10, line 3.

Following: "agreement"

Insert: "pursuant to subsection (8)"

7. Page 14, line 18.

Following: "If any new motor vehicle dealer"

Strike: ", proposed new motor vehicle dealer,"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/19/2009

SB 51, introduced by Murphy

SB 213, introduced by Bales

SB 248, introduced by Brueggeman

SB 271, introduced by Squires

SB 331, introduced by Balyeat

SB 335, introduced by Balyeat

SB 336, introduced by Balyeat

SB 344, introduced by J. Peterson

SB 376, introduced by Black

Senate joint resolution passed and transmitted to the House for concurrence:

2/19/2009

SJR 19, introduced by J. Peterson

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 631, introduced by Blewett, referred to Taxation.

HB 632, introduced by Hollenbaugh, Mehlhoff, Ankney, Jones, referred to Appropriations.

HB 633, introduced by Butcher, Sales, Randall, Himmelberger, Hendrick, Blasdel, Vincent, Stahl, B. Beck, Regier, Sonju, Boniek, McGillvray, Taylor, Bennett, Vance, Nooney, Smith, Reichner, referred to Business and Labor.

The following Senate bills were introduced, read first time, and referred to committees:

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SB 51, introduced by Murphy, referred to Human Services.

SB 213, introduced by Bales, referred to Fish, Wildlife and Parks.

SB 248, introduced by Brueggeman, Ankney, Brueggeman, Furey, Lewis, J. Tropila, Zinke, referred to Education.

SB 271, introduced by Squires, Arntzen, Gillan, Perry, Stahl, Villa, Wilson, referred to Business and Labor.

SB 331, introduced by Balyeat, Ankney, Bales, Barkus, De. Barrett, Brenden, R. Brown, T. Brown, Curtiss, Erickson, Essmann, Gebhardt, Hamlett, Hinkle, Jackson, Jent, Laslovich, Lewis, McGee, Perry, Steinbeisser, J. Tropila, Wanzenried, Windy Boy, Zinke, referred to State Administration.

SB 335, introduced by Balyeat, Ankney, Barkus, R. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Perry, Ripley, Steinbeisser, Windy Boy, referred to Business and Labor.

SB 336, introduced by Balyeat, Ankney, Gebhardt, Hinkle, Jackson, Steinbeisser, Story, Windy Boy, referred to Fish, Wildlife and Parks.

SB 344, introduced by J. Peterson, Ankney, Bales, Balyeat, De. Barrett, Brenden, T. Brown, Brueggeman, Gebhardt, Lewis, J. Peterson, Ripley, Stahl, Steinbeisser, Tutvedt, referred to Fish, Wildlife and Parks.

SB 376, introduced by Black, referred to Federal Relations, Energy, and Telecommunications.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 19, introduced by J. Peterson, Bales, De. Barrett, Brenden, T. Brown, Brueggeman, Gebhardt, Lewis, Ripley, Stahl, Steinbeisser, Zinke, referred to Fish, Wildlife and Parks.

Rep. Mendenhall announced that the House Republicans will caucus for 10 minutes.

Rep. Phillips announced that the House Democrats will stand at ease.

Mr. Speaker announced that the House will stand at ease for 10 minutes at 1:08 p.m.

Mr. Speaker called the House to order at 1:21 p.m.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Boniek in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 34 - Representative Wilmer moved **HB 34** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: B. Beck, Boniek, Howard, Mendenhall, Morgan, Randall, Reichner, Sales, Smith, Sonju, Stahl, Vance, Wagner.

Total 13

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Excused: None.
Total 0

Absent or not voting: Pease-Lopez.
Total 1

HB 42 - Representative Vincent moved **HB 42** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Pease-Lopez.
Total 1

HB 171 - Representative Augare moved **HB 171** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Caferro.
Total 1

Excused: None.
Total 0

Absent or not voting: Blasdel, Boniek, McChesney, Pease-Lopez.
Total 4

HB 204 - Representative Ebinger moved **HB 204** do pass. Motion carried as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Berry, Regier, Sales.

Total 3

Excused: None.

Total 0

Absent or not voting: Pease-Lopez.

Total 1

HB 357 - Representative Berry moved **HB 357** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Mendenhall, Pease-Lopez.

Total 2

HB 477 - Representative Menahan moved **HB 477** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson,

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Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Boniek.

Total 1

Excused: None.

Total 0

Absent or not voting: MacLaren, Pease-Lopez.

Total 2

HB 495 - Representative Arntzen moved **HB 495** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: Bean, Bennett, Berry, Brown, Hawk, Hollandsworth, Kasten, Lake, Mendenhall, More, Randall, Regier, Roberts, Sales, Sonju, Stoker, Vance, Warburton, Washburn.

Total 19

Excused: None.

Total 0

Absent or not voting: Pease-Lopez.

Total 1

HB 533 - Representative Taylor moved **HB 533** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Kasten, Kerns, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stoker, Taylor, Vance, Van Dyk, Vincent, Washburn, Welborn, Wilson.

Total 79

Nays: Augare, Belcourt, Boss Ribs, Caferro, Campbell, Hands, Henry, Hiner, Ingraham, Jopek, Kottel, A. Noonan, Stahl, Steenson, Villa, Wagner, Warburton, Wilmer, Wiseman, Mr. Speaker.

Total 20

Excused: None.

Total 0

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Absent or not voting: Pease-Lopez.
Total 1

HJR 15 - Representative Milburn moved **HJR 15** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 86

Nays: Bean, Butcher, Hawk, Kasten, Kerns, Lake, Miller, Peterson, Sales, Sonju, Stoker, Wagner, Mr. Speaker.
Total 13

Excused: None.
Total 0

Absent or not voting: Pease-Lopez.
Total 1

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Boniek moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 90

Nays: Vincent.
Total 1

Excused: Roundstone.
Total 1

Absent or not voting: Boniek, Howard, Miller, Morgan, A. Noonan, Pease-Lopez, Stahl, Van Dyk.
Total 8

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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HB 322 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Mendenhall, Sales, Wagner.
Total 3

Excused: Roundstone.
Total 1

Absent or not voting: Pease-Lopez.
Total 1

HB 404 passed as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, O'Hara, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Sands, Sesso, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 73

Nays: Ankney, Bean, Boniek, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Kasten, Lake, McGillvray, Miller, Morgan, Nooney, Randall, Regier, Sales, Smith, Sonju, Taylor, Wagner, Warburton, Welborn.
Total 24

Excused: Roundstone.
Total 1

Absent or not voting: McChesney, Pease-Lopez.
Total 2

HB 407 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson,

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Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: None.

Total 0

Excused: Roundstone.

Total 1

Absent or not voting: Hoven, Pease-Lopez.

Total 2

HB 475 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 53

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 43

Excused: Roundstone.

Total 1

Absent or not voting: McNutt, Pease-Lopez, Peterson.

Total 3

HB 509 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 91

Nays: Bennett, Jopek, Phillips, Pomnichowski, Villa, Mr. Speaker.

Total 6

Excused: Roundstone.

Total 1

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Absent or not voting: McGillvray, Pease-Lopez.
Total 2

MOTIONS

Rep. Campbell moved that **HB 246** be moved to the Appropriations committee. Motion carried.
Rep. Campbell moved that **HB 451** be moved to the Business and Labor committee. Motion carried.
Rep. Campbell moved that **HB 42** be moved to the Appropriations committee. Motion carried.

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HB 538**. Motion carried.

HB 538 (Steenson Chief Sponsor)
Representatives Furey.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Friday, February 20, 2009. Motion carried.

House adjourned at 2:04 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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61ST LEGISLATURE
FORTIETH LEGISLATIVE DAY**

Helena, Montana
February 20, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Pease-Lopez. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker introduced and thanked the pages for the week.

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Jopek, Chairman):

2/20/2009

HB 445, introduced bill, be amended as follows:

1. Page 2, line 30.

Strike: "crop residue"

Insert: "crops"

And, as amended, do pass. Report adopted.

HB 482, introduced bill, be amended as follows:

1. Title, line 7.

Following: "SAFEGUARD;"

Insert: "CREATING A LIVESTOCK INDEMNITY ACCOUNT;"

2. Page 1, line 16.

Following: "regulations;"

Insert: "and"

3. Page 1, line 17 through line 20.

Following: "labor costs," on line 17

Strike: remainder of line 17 through "operations" on line 20

Insert: "and feed costs"

4. Page 1, line 30.

Following: "funds"

Strike: "of the department"

Insert: "in the account created in [section 2]"

5. Page 2, line 1.

Insert: "NEW SECTION. Section 2. Livestock indemnity account -- use of account. (1) There is a livestock indemnity special revenue account administered by the department in the state special revenue fund established in 17-2-102.

(2) (a) All state proceeds allocated or budgeted for the purposes of this part must be deposited in the state special revenue account provided for in subsection (1).

(b) Money received by the department in the form of gifts, grants, reimbursements, or allocations from any

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source intended to be used for the purposes of this part must be deposited in the account provided for in subsection (1).

(3) The department may spend funds in the livestock indemnity account only to carry out the provisions of this part."

Renumber: subsequent sections

6. Page 2, line 2.

Strike: "[Section 1] is"

Insert: "[Sections 1 and 2] are"

7. Page 2, line 3.

Strike: "[section 1]"

Insert: "[sections 1 and 2]"

And, as amended, do pass. Report adopted.

HB 592, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "SYSTEM;"

Insert: "ESTABLISHING A VOLUNTARY SOURCE VERIFICATION PROGRAM;"

2. Page 1, line 11.

Following: "system" on line 11

Insert: "-- voluntary source verification program"

3. Page 1.

Following: line 22

Insert: "(2) (a) The department may establish a voluntary source verification program.

(b) A person may withdraw from a voluntary source verification program at any time, and the person's personal information must be deleted from the program's database.

(c) Only the state veterinarian appointed pursuant to 81-1-301 and the veterinarian's staff may access information stored in the voluntary source verification program.

(d) The department shall register a person's livestock in the voluntary source verification program after the person applies for the program by submitting a signed application form as prescribed by the department. An application form must include the following information:

(i) a conspicuous notice that the program is voluntary;

(ii) a disclosure of the types of information collected under the program;

(iii) notice of the persons to whom the information collected under the program may be disclosed; and

(iv) notice that the person enrolling an animal, livestock, or premises in the program may withdraw from the program at any time and that personal information must be deleted from the program's database."

Renumber: subsequent subsections

4. Page 1, line 23.

Strike: "As"

Insert: "Subject to subsection (5), as"

Strike: "subsection"

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Insert: "subsections"

Following: "(1)"

Insert: "and (2)"

5. Page 2, line 12.

Insert: "(5) Nothing in this section prohibits voluntary participation in any source verification program."

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (Wilson, Chairman):

2/20/2009

HB 451, introduced bill, be amended as follows:

1. Page 1, line 12 through line 13.

Following: "residence" on line 12

Strike: "or" on line 12 through "more" on line 13

And, as amended, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Van Dyk, Chairman):

2/20/2009

HB 218, introduced bill, be amended as follows:

1. Title, line 6.

Following: "87-3-101"

Strike: ", 87-3-114, 87-3-115, 87-3-501,"

Insert: "AND"

2. Title, line 7.

Following: "87-3-506,"

Strike: "AND 87-4-301,"

3. Page 5, line 7 through page 6, line 4.

Strike: section 3 through section 5 in their entirety

Renumber: subsequent sections

4. Page 6, line 16.

Insert: "(4) As used in this section, "pelt" means the pelt, skin, or fur of a fur-bearing animal."

5. Page 6, line 17 through line 28.

Strike: section 7 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 499, do pass. Report adopted.

HB 585, introduced bill, be amended as follows:

1. Page 2, line 15.

Following: "older"

Insert: "and possesses a current resident hunting license"

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And, as amended, do pass. Report adopted.

JUDICIARY (Stoker, Chairman):

2/20/2009

HB 504, do pass. Report adopted.

HB 517, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "PROVIDING" through "MEMBERS;"

2. Page 1, line 16.

Strike: "6"

Insert: "5"

3. Page 1, line 23.

Strike: "6"

Insert: "5"

4. Page 1, line 30.

Strike: "6"

Insert: "5"

5. Page 3, line 11.

Strike: the second "or"

6. Page 3, line 12.

Following: "deceased"

Insert: "; or

(f) to the facts concerning a person injured in a critical incident and the services and care provided to or withheld from that person by an emergency service provider"

7. Page 3, line 14 through line 19.

Strike: section 6 in its entirety

Renumber: subsequent sections

8. Page 3, line 21.

Strike: "6"

Insert: "5"

9. Page 3, line 22.

Strike: "6"

Insert: "5"

10. Page 3, line 24 through line 26.

Strike: section 8 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

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HB 534, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 13.

Strike: "law enforcement"

Insert: "peace"

3. Page 1, line 18.

Strike: "and"

4. Page 1, line 19.

Following: "process"

Insert: "; and"

(6) have been encouraged by the Montana supreme court in a written opinion of that court"

5. Page 1, line 21.

Strike: "7"

Insert: "6"

6. Page 1, lines 23 through 26.

Following: "means" on line 23

Strike: remainder of line 23 through "finished" on line 26

Insert: "an interview conducted by a peace officer in a place of detention for the purpose of investigating a felony if the interview is reasonably likely to elicit a response from the person being interviewed that may incriminate the person being interviewed with regard to the commission of an offense"

7. Page 1, line 30.

Strike: "or other place where persons are questioned"

Insert: "office, or other structure in this state where persons are held"

8. Page 2, line 4 through line 6.

Following: "required."

Strike: remainder of line 4 through "recorded." on line 6

Insert: "Except as provided in [section 4], all custodial interrogations must be electronically recorded. The recording must contain a peace officer advising the person being interviewed of the person's Miranda rights, a recording of the interview, and a conclusion of the interview."

9. Page 2, line 8 through page 3, line 1.

Strike: sections 4 and 5 in their entirety

Renumber: subsequent sections

10. Page 3, line 3.

Following: "Exceptions"

Insert: "to recording requirement"

11. Page 3, lines 3 through 9.

Following: "the third "."

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Strike: the remainder of line 3 through "jurisdiction." on line 9

Insert: "A statement made during a custodial interrogation that was not recorded as required in [section 3] is admissible if the court finds that:

- (1) the statement was made during routine processing or booking of the person or during routine border inquiries;
- (2) the statement was made by the accused in open court during trial, before a grand jury, or at a preliminary hearing;
- (3) the statement was a spontaneous statement that was not made in response to a question;
- (4) the statement was made during a custodial interrogation that was conducted in another state by peace officers of that state in compliance with the laws of that state;
- (5) after having consulted with the person's lawyer or after the person has waived the person's right to have an attorney present during the custodial interrogation, the person agreed to participate in the custodial interrogation without an electronic recording being made and, if feasible, the person's agreement was electronically recorded before the custodial interrogation began; or
- (6) the peace officer in good faith failed to make an electronic recording of the custodial interrogation because the officer inadvertently failed to operate the recording equipment properly or, without the officer's knowledge, the recording equipment malfunctioned or stopped operating."

12. Page 3.

Following: line 9

Insert: "**Insert:** NEW SECTION. Section 5. Cautionary jury instruction. If the prosecution offers into evidence a statement made during a custodial interrogation that was not recorded in violation of [section 3] and the court finds that the prosecution has failed to establish by a preponderance of the evidence that one of the exceptions in [section 4] applies, the judge shall, upon request of the defendant, provide the jury with a cautionary instruction noting the requirements of [section 3] and the reliability of the statement sought to be introduced compared to a statement that is electronically recorded in compliance with [section 3]."

Renumber: subsequent sections

13. Page 3, line 23.

Strike: "7"

Insert: "6"

14. Page 3, line 24.

Strike: "7"

Insert: "6"

15. Page 3, line 26.

Strike: section 9 in its entirety

And, as amended, do pass. Report adopted.

HB 574, introduced bill, be amended as follows:

1. Page 1, line 13.

Strike: "knowingly or purposely"

Following: "offense"

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Insert: ", with the intent or state of mind required by law for that offense,"

2. Page 1, line 17.

Strike: "knowingly or purposely"

Following: "offense"

Insert: ", with the intent or state of mind required by law for that offense,"

And, as amended, do pass. Report adopted.

HB 628, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

2/20/2009

HB 289, introduced bill, be amended as follows:

1. Page 1, line 24.

Following: "adjourn"

Insert: "sine die"

And, as amended, do pass. Report adopted.

HB 602, introduced bill, be amended as follows:

1. Page 1, line 14.

Following: "(2)"

Insert: "(a)"

2. Page 1, line 15.

Following: "exception"

Insert: ", such as:

(i) when an employee is required to be on call for quick response to an emergency that threatens life or property and on-call duty is a specifically identified duty in the employee's position description;

(ii) when the vehicle is, in effect, the employee's worksite;

(iii) when an employee must drive to an alternate worksite and commuting from the employee's home to pick up a state-owned vehicle is not practical; or

(iv) when 24-hour use of a state-owned vehicle is specifically authorized by law for an elected or appointed state official and use of the vehicle is considered part of the official's compensation package"

3. Page 1, line 15.

Following: "."

Insert: "(b)"

And, as amended, do pass. Report adopted.

HB 613, be adopted. Report adopted.

HB 622, introduced bill, be amended as follows:

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1. Title, page 1, line 6.

Strike: "OTHER THAN EXCESS CAMPAIGN CONTRIBUTIONS"

2. Page 2, line 6.

Strike: ", as provided for in 13-37-402,"

3. Page 2, line 7.

Strike: ", other than excess campaign contributions,"

4. Page 2, line 9.

Following: "the"

Insert: "disposition of the"

Strike: "contributed"

Insert: "donated"

And, as amended, do pass. Report adopted.

HJR 27, be adopted. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/20/2009

SB 368, introduced by Erickson

SB 371, introduced by Perry

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 634, introduced by McAlpin, McChesney, Van Dyk, Villa, Sands, Augare, Wiseman, Malek, Steenson, P. Noonan, Furey, Pomnichowski, Caferro, McClafferty, MacDonald, Fleming, Campbell, Ebinger, Reinhart, referred to Human Services.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 25, introduced by Warburton, O'Hara, French, referred to Human Services.

The following Senate bills were introduced, read first time, and referred to committees:

SB 368, introduced by Erickson, McAlpin, Wanzenried, referred to Judiciary.

SB 371, introduced by Perry, referred to Business and Labor.

ANNOUNCEMENTS

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Rep. Becker announced that the hearing for HJR 25 will happen in the Health and Human Services Committee this afternoon at 3:00 p.m.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Augare in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 12 - Representative Wilmer moved **HB 12** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: B. Beck, Boniek, Butcher, More, Reichner, Sales, Sonju, Stoker, Vance.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 85 - Representative Sands moved **HB 85** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 69

Nays: B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, McNutt, More, Morgan, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Taylor, Wagner, Washburn.

Total 30

Excused: None.

Total 0

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Absent or not voting: Pease-Lopez.
Total 1

HB 103 - Representative Wilson moved **HB 103** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Mendenhall.
Total 1

HB 386 - Representative O'Hara moved **HB 386** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Hawk, More.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 427 - Representative Boniek moved **HB 427** do pass. Motion **failed** as follows:

Yeas: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Lake, MacLaren, McGillvray, McNutt,

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Mendenhall, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton.

Total 42

Nays: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hunter, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 58

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Augare moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 76

Nays: Bennett, Blasdel, Boniek, Butcher, Hawk, Kasten, Kerns, McGillvray, Mendenhall, Miller, More, Randall, Sales, Smith, Stahl, Vance, Wagner, Warburton.

Total 18

Excused: None.

Total 0

Absent or not voting: Becker, Grinde, Hamilton, Himmelberger, Regier, Vincent.

Total 6

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 34 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger,

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Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Boniek, Howard, Mendenhall, Miller, More, Randall, Vance, Welborn.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 171 passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.

Total 82

Nays: Barrett, Blewett, Caferro, Campbell, Dickenson, Getz, Grinde, Hamilton, Hands, Henry, Jopek, MacDonald, Pease-Lopez, Pomnichowski, Reinhart, Wilmer, Wiseman.

Total 17

Excused: None.

Total 0

Absent or not voting: Roundstone.

Total 1

HB 204 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 96

Nays: Berry, Kerns, Regier.
Total 3

Excused: None.
Total 0

Absent or not voting: Hoven.
Total 1

HB 357 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 477 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

HB 495 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Van Dyk, Villa, Wagner, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 81

Nays: Bean, Berry, Blasdel, Brown, Butcher, Hawk, Hendrick, Hollandsworth, Lake, Mendenhall, More, Randall, Regier, Sonju, Stoker, Vance, Vincent, Warburton, Washburn.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 533 passed as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boland, Boniek, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Kasten, Kerns, Klock, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Stahl, Stoker, Taylor, Vance, Van Dyk, Vincent, Washburn, Welborn, Wilson, Mr. Speaker.
Total 76

Nays: Augare, P. Beck, Belcourt, Blewett, Boss Ribs, Caferro, Campbell, Hands, Henry, Hiner, Ingraham, Jopek, Kottel, Malek, Pease-Lopez, Pomnichowski, Roundstone, Sonju, Steenson, Villa, Wagner, Warburton, Wilmer, Wiseman.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 15 adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter,

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Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 80

Nays: Bean, Blasdel, Butcher, Hawk, Himmelberger, Hollandsworth, Kasten, Kerns, Lake, Miller, Morgan, Peterson, Randall, Regier, Sales, Smith, Sonju, Stoker, Wagner, Warburton.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Representative Campbell moved that after the joint session, the House adjourn until 8:00 p.m., Saturday, February 21, 2009. Motion carried.

Rep. Campbell moved that the House stand at ease and wait for the Senate in order to resolve itself into a joint session.

ANNOUNCEMENTS

Rep. Phillips announced that the House Democrats will caucus at 7:30 tomorrow morning.

Committee meetings were announced by the committee chairs.

Sgt.-at-Arms Tensely notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Bergren requested Sergeant-at-Arms Tensely to admit the Honorable Senate to the House Chambers.

Speaker Bergren introduced Senate President Story and yielded the chair to him.

Senate Majority Leader Peterson moved that the body resolve itself into a joint session for the purpose of receiving the address from the Secretary of Public Instruction, the Honorable Denise Juneau. Motion carried.

Sgt.-at-Arms Clark announced that Honorable guests await entrance to the chambers. President Story requested Sgt.-at-Arms Clark admit the Honored guests.

Senate Majority Leader Peterson moved the President be authorized to appoint a committee of four to notify U.S. Denise Juneau that we are in joint session and ready to receive his address. Motion carried.

The President appointed Senator Kaufmann, Senator Black, Representative Boss Ribs, and Representative Reichner and discharged the committee to escort The Honorable Denise Juneau into the House Chambers.

Sgt.-at-Arms Clark announced that the Honorable Denise Juneau awaits outside the Chamber. President Story requested Sergeant-at-Arms Clark to admit the Secretary of Public Instruction Denise Juneau to the House

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Chambers.

The Committee escorted Denise Juneau into the chambers.

President Story introduced the Secretary of Public Instruction Denise Juneau.

The Honorable Denise Juneau addressed the 61st joint legislative session and gave the following remarks.

**2009 State of Education Address
Superintendent of Public Instruction Denise Juneau
February 20, 2009**

Good afternoon.

Thank you, President Story, Speaker Bergren, Representatives, Senators, and honored guests, for this opportunity to give the State of Education Address while educators from all across Montana could be present. It is their work we honor today. There is no more important attribute of a quality education than good teachers and I am committed to ensure that we work to keep them in Montana's classrooms. I respect the teachers and staff who pour their lifeblood into educating those who will someday lead our state. To support education – is to support quality teachers.

In addition to all of the educators in the balcony, we have several Board of Public Education members joining us today. I would like to thank Patti Myers, Angela McLean, Cal Gilbert, and Storrs Bishop for their dedication and service to Montana's schools.

A number of legislators – 44 of your peers – also serve the education system as teachers, professors, and school board members. Thank you for your service.

My parents instilled in me a belief in the power of education and the promises it holds for each person. They taught me and my brother that once we become educated, doors open, opportunities abound, and dreams become reality. I would like to acknowledge my parents – Stan and Carol Juneau.

I have carried these lessons with me in all my endeavors and they are still with me today – as State Superintendent of Public Instruction. Our mission and our work at the Office of Public Instruction is to create educational opportunity for all of Montana's students. Every staff member at OPI believes in the brilliance, creativity, and talents of each student in Montana's schools. They work diligently to make sure we offer the highest quality services to schools. Their work reflects their belief that education is truly the only way we will accomplish our state's hopes and dreams.

All of us in this room respect the work the Legislature does on our behalf. To manage a state's budget and determine priorities for all of Montana's citizens is a very difficult task, made even more demanding given the current economic straits of our country. I encourage you to make decisions that are forward thinking, because the decisions you make next week and in the following 45 days are vitally important to the next generation – your children, grandchildren, and great-grandchildren.

Our public education system is also responsible to these future generations. We work to ensure every student receives a quality public education no matter their background, their heritage, their economic status, or geographic location.

The top priority of my administration is to increase the academic achievement of **every** student. Article X of Montana's Constitution opens with: "It is the goal of the people to establish a system of education which will

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develop the full educational potential of each person.” This vision for our education system was created by everyday Montanans nearly four decades ago when they gathered in this chamber to rewrite our state constitution. While our students must still learn to read, write, and do arithmetic, they do so in a world that is very different from when those words were written.

Our students today are members of a global society in a way very few of us ever envisioned. They live in a world of iPods, YouTube videos about every topic imaginable, they are connected globally through social networking sites like MySpace, Facebook, and Twitter, their primary mode of conversation is text messaging - and they hold all of that power in the palm of their hands - literally.

Our schools today are preparing students for jobs that don't yet exist. We need to make sure our schools are equipped to serve students as they move toward a future we can only imagine. Rep. Grinde is carrying HB 459 that would create a virtual high school. This is one step we can take so students in both urban and rural Montana have access to the types of classes that will make them globally competitive.

While our world is changing, some of our expectations have not changed to meet these transformations. Rep. Malek is carrying HB433 that expands the compulsory school attendance ages from 7 and 16 to 6 and 17. HB433 is important because in today's global economy, employers require at least a high school diploma – and often additional education and training. Requiring young people to stay in school only until they're 16 may have made sense 50 years ago when jobs did not require specialized skills for entry level and advanced jobs.

Our policies must reflect our expectation that our students will graduate from high school to be economically successful. To make sure our students succeed in high school – and beyond - we have to engage in unprecedented collaborations. Sen. Hawks and Rep. Lake both recognize the need for partnerships and are promoting resolutions calling for the Legislature, K-12, and postsecondary education to work together, to establish common goals, and to make decisions based on data. I look forward to this partnership and the great things we will do for our education system when we all come together to make the best decisions we can for Montana's students. We are all at our best when we are all accountable for our actions and decisions. Our students deserve no less.

In fact, Commissioner Stearns and I and our top leadership teams have been meeting to discuss dual enrollment, distance education, and to strategize ways to reduce the high remediation rates that students graduating from our high schools are confronting. We discuss ways to make sure the highway that connects our systems includes frequent on-ramps so students can get re-engaged in the system if they need to pull into a rest stop.

In this spirit, I will appoint a Community Learning and Partnerships Policy Advisor to bring stakeholders to the table to reach consensus about our goals for P-20 education. We will work with school boards, private business, industry, communities, and parents to chart a new course for our public education system to meet the needs of every student in each community across Montana.

Part of this new course includes changes for high school systems. I have appointed a policy advisor to work on a high school initiative to help update our high school model so students graduate with real-life skills necessary for 2-year colleges, 4-year universities, or the work force. Our mission in K-12 is to provide students with as many choices as possible at grade 13.

I recently saw a great example of high school reform. In Billings, they have a technical high school called the Career Center, which draws over 800 students from its three area high schools who can choose classes in different career pathways such as hospitality and tourism or education and training. In the architecture and construction pathway, students design and build a house every year, right down to painting and designing the interior. This year, the Career Center's house sold for \$250,000. Those students are staying in school, learning relevant skills from outstanding teachers, while gaining credits toward graduation. The Office of Public Instruction will promote the many incredible programs Montana schools are implementing to provide real-life opportunities for students.

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We must also pay attention to the early childhood end of the spectrum. I recently supported Rep. McClafferty's HB369 to provide minimal funding for the 20 Head Start programs that provide education, health, and nutrition services to the nearly 5000 low-income children across MT. I started my education career at a Head Start on the southside of Billings while my parents attended then-Eastern Montana College to become teachers. Head Start gave me a good start to my education career – I went on to graduate from Browning High School, Montana State University, the Harvard Graduate School of Education, and the University of Montana Law School. The Office of Public Instruction supports HB369 because we know when children participate in quality early childhood programs – like Head Start – they are more likely to stay and succeed in school because they are ready for Kindergarten and the stages that follow.

Speaking of Kindergarten, schools have responded enthusiastically to the Legislature's law to establish Full Time Kindergarten. 93% of our Kindergarten students are now enrolled in FTK programs, with more schools coming on board next year.

We will be able to use the data system the Legislature funded to track these Kindergarten students to determine the program's success. We are entering into an important phase of education where we use data to examine how well all of our students are learning. The federal No Child Left Behind Act has spotlighted accountability of schools through the use of data. I call on you to be our partner in these data-driven decisions by supporting our statewide data system, called Achievement in Montana, or AIM. This data system tracks a wide variety of student information including enrollment and demographic information, scores on statewide assessments, student dropout information, eligibility for state and federal education programs, and special education planning and reporting. This system allows stakeholders at all levels of education to make informed decisions based on accurate and timely information.

Our constitution states: "Equality of educational opportunity is guaranteed to each person of the state." When we analyze the data from multiple angles, we know the majority of our students are doing very well academically. However, the guarantee is not being met for every student. Achievement gaps do exist, primarily between our poor and non-poor students. We can do better. The Legislature recognizes these disparities in achievement and makes appropriations to support schools in their efforts to close the American Indian student achievement gap and provide services for at-risk students. These bold steps by the Legislature help all Montanans.

We lost one of our respected tribal leaders this week and my thoughts are with the Crow Nation as they mourn the loss of Chairman Carl Venne. He believed in the power of public education and what it can do for all children. He was a great advocate, in particular, for the education of American Indian students in Montana. He knew that every American Indian child who went on to become a doctor, teacher, attorney, or scientist, was one more person who would help their communities become successful and economically viable. We all need to work toward that same vision of opportunity and community improvement.

The 2005 and 2007 Legislature initiated funding that allows OPI to provide necessary support to schools in the areas of curriculum and instruction and Indian Education For All.

The OPI curriculum specialists have traveled to the four corners of Montana to provide professional development around quality classroom teaching. They are a highly regarded addition to the services we provide to schools and teachers. They are helping us conduct on-site accreditation school visits, provide valuable materials and resources to classroom teachers, and make our agency more focused on quality instruction.

Our constitution also provides that "the state recognizes the distinct and unique cultural heritage of the American Indian and is committed in its educational goals to the preservation of their cultural integrity." This provision became known as Indian Education For All, and after the Legislature provided funding for its implementation, it has become a widely respected program that is being duplicated in many other states. Many teachers wondered

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how it was possible to integrate content about American Indians into their classroom lessons. Since 2005, our office, working with teachers and tribal educators, has created over 220 classroom units and lessons spanning nearly every curriculum area. Now, we have physics students measuring the elastic potential energy storage of hunting bows. Math students are learning how to use experimental and theoretical probabilities to make predictions by playing a variety of tribal guessing games.

A final priority for discussion today is, of course, funding to ensure a quality education for each student. Public education is the ONLY system our state constitution has specifically outlined as the Legislative body having a duty to fund. The constitution states "The legislature shall provide a basic system of free quality public elementary and secondary schools. . . . It shall fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary school system." The 2005 Legislature defined a basic system of quality public schools. Now we need to move toward adequate funding of that system.

In the near future, I will appoint a School Funding Policy Analyst to develop a long-term strategy for school funding so we can work with new and future legislators. This analyst will look at our history of funding schools, our economic structure, our tax structure, and develop a long term plan so we can do better for our students and our schools. We must develop a solution that will outlast our individual political lives and agendas.

I ask you to please fund public schools this session at a level that will ensure every student is provided a quality education in every one of our schools. There are several good bills proposed this session. Sen. Branae carried SBs 69 and 70 on behalf of the Office of Public Instruction, which increases funding for the quality educator component and increases the per ANB and the entitlement component by 3%. Rep. Villa is carrying HB15 that provides for the Governor's school funding request, which should be the minimum amount you provide to schools this session. We must also take time to review the components of the new federal Jobs Package President Obama signed this week. Federal guidance will soon emerge and we will all know how it may, or may not, fit into the state's budget. OPI's goal is to provide accurate and credible information to the Legislature and local schools. Although this federal money is OTO, we will work with you so the money is used to improve opportunities and outcomes for our students.

At the end of the day, we are all responsible for the education of Montana's children. And, we all benefit from each child's educational success. Funding public education is a state responsibility. Economic crisis or not – the legislature has a constitutional responsibility to ensure a quality public education for each child.

As you continue your work here in this 61st Legislature, please remember the critical importance of K-12 education to our economic future and the lives of all of Montana's children. Every child deserves a chance to succeed and a quality education is a part of that foundation for success. We have an obligation to keep the good of our children – all of our children – in our hearts during our deliberations.

Thank you all. I look forward to a great next 4 years.

President Story thanked Denise Juneau and directed the select committee to escort the Secretary of Public Instruction from the joint session.

Senate Majority Leader Peterson moved that the joint session of the 61st Legislature, convened to receive the address from the Secretary of Public Instruction Denise Juneau, be adjourned. Motion carried.

Joint session adjourned at 2:38 p.m.

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The Senate exited the chambers.

House adjourned at 2:38 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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61ST LEGISLATURE
FORTY-FIRST LEGISLATIVE DAY**

Helena, Montana
February 21, 2009

House Chambers
State Capitol

House convened at 8:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Reichner. Pledge of Allegiance to the Flag.

Roll Call. All members present. Except for Representatives Blewett, Butcher and Nooney who were excused. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 12 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: Butcher.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 103 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Morgan.

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Total 1

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 386 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: More, Wagner.

Total 2

Excused: None.

Total 0

Absent or not voting: Hoven.

Total 1

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Jopek, Chairman):

2/21/2009

HB 418, do pass. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman):

2/21/2009

HB 584, do pass. Report adopted.

HB 593, introduced bill, be amended as follows:

1. Page 1, line 27.

Following: the second "material"

Insert: ", unless otherwise agreed to in writing by the property owner and the person conducting the remedial action"

2. Page 2, line 2.

Following: "action"

Insert: "on property owned by another"

3. Page 2, line 5.

Following: "chapter 4"

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Insert: ", or that were constructed prior to January 1, 2007"

4. Page 3, line 6.

Following: "apply"

Insert: "to reclamation of an abandoned mine site pursuant to 82-4-371 or"

5. Page 3, line 7.

Following: "part 7,"

Strike: "or"

6. Page 3, line 8.

Following: "part 4"

Insert: ", or a permit issued for reclamation of a mine site pursuant to Title 82, chapter 4, part 3"

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Becker, Chairman):

2/21/2009

HB 399, do pass. Report adopted.

HB 530, do pass. Report adopted.

HB 578, do pass. Report adopted.

HJR 25, be adopted. Report adopted.

HJR 29, be adopted. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman):

2/21/2009

HB 466, introduced bill, be amended as follows:

1. Page 1, line 16.

Strike: "15 working days"

Insert: "120 hours"

2. Page 1, line 20.

Strike: "30 days"

Insert: "240 hours"

And, as amended, do pass. Report adopted.

HB 486, introduced bill, be amended as follows:

1. Title, line 10 through line 11.

Strike: "7-2-4303" on line 10 through "7-2-4608," on line 11

2. Page 1, line 17 through page 2, line 9.

Strike: section 1 through section 3 in their entirety

Renumber: subsequent sections

3. Page 13, line 9.

Following: "30"

Insert: "working"

And, as amended, do pass. Report adopted.

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HB 522, introduced bill, be amended as follows:

1. Page 1, line 20.

Following: "chapter 2."

Insert: "A local governing body may determine that a mortgage tract or remaining parcel created upon foreclosure is a legal nonconforming parcel in applicable zoning regulations adopted under Title 76, chapter 2."

And, as amended, do pass. Report adopted.

HB 545, introduced bill, be amended as follows:

1. Page 2, line 28.

Following: "(v)"

Strike: "one" through "by"

Insert: "at the discretion of "

2. Page 2, line 29.

Following: "(4)(a)(ii)"

Insert: ", one resident taxpayer appointed by each of the three county officials for terms of 3 years"

And, as amended, do pass. Report adopted.

HB 623, introduced bill, be amended as follows:

1. Page 1, line 12.

Strike: "in case of"

Insert: "--"

2. Page 1, lines 14 and 15.

Following: "may" on line 14

Strike: ":", on line 14 through "(a)" on line 15

3. Page 1, line 16.

Strike: ":", or"

Insert: "."

4. Page 1, line 17.

Strike: "(b)"

Insert: "(2) In lieu of the procedure in subsection (1), the board of county commissioners may"

5. Page 1, line 19.

Strike: "(i)"

Insert: "(a)"

Renumber: subsequent subsections

6. Page 1, line 27.

Strike: "(2)"

Insert: "(3)"

Strike: "(1)(b)"

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Insert: "(2)"

7. Page 3, line 14.

Following: "used to"

Insert: "permanently"

Strike: "permanent"

And, as amended, do pass. Report adopted.

TRANSPORTATION (Sonju, Chairman):

2/21/2009

HB 536, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/21/2009

SB 224, introduced by R. Brown

SB 323, introduced by Erickson

SB 330, introduced by Moss

SB 375, introduced by J. Peterson

SB 390, introduced by McGee

SB 392, introduced by Brueggeman

SB 394, introduced by Bales

SB 395, introduced by Gebhardt

SB 400, introduced by Laslovich

SB 401, introduced by Laslovich

SB 405, introduced by Moss

SB 437, introduced by Perry

Senate joint resolution passed and transmitted to the House for concurrence:

2/21/2009

SJR 22, introduced by Zinke

SB 46, introduced by McGee, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

2/21/2009

Yeas - 28

Nays - 22

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 635, introduced by McChesney, referred to Appropriations.

The following Senate bills were introduced, read first time, and referred to committees:

SB 46, introduced by McGee, referred to Judiciary.

SB 224, introduced by R. Brown, Esp, referred to Appropriations.

SB 323, introduced by Erickson, Kottel, referred to Judiciary.

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SB 330, introduced by Moss, referred to Human Services.
SB 375, introduced by J. Peterson, referred to Business and Labor.
SB 390, introduced by McGee, Ripley, referred to Local Government.
SB 392, introduced by Brueggeman, referred to Natural Resources.
SB 394, introduced by Bales, referred to State Administration.
SB 395, introduced by Gebhardt, referred to Business and Labor.
SB 400, introduced by Laslovich, referred to Judiciary.
SB 401, introduced by Laslovich, referred to Human Services.
SB 405, introduced by Moss, referred to Judiciary.
SB 437, introduced by Perry, Story, McNutt, Cohenour, referred to Fish, Wildlife and Parks.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 22, introduced by Zinke, referred to Appropriations.

Mr. Speaker thanked everyone for their hard work and their dedication to the process. He personally thanked Rep. Sales, Mendenhall, and McGillvray for their cooperation across the isle and their ability to communicate with the Democratic leadership in order to keep everything running smoothly.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hoven in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 194 - Representative Mendenhall moved **HB 194** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Butcher, Howard.

Total 2

Absent or not voting: None.

Total 0

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HB 420 - Representative Reinhart moved **HB 420** do pass. Motion carried as follows:

y, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 75

Nays: Bean, Blasdel, Boniek, Hawk, Hendrick, Himmelberger, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Sales, Smith, Sonju, Stoker, Taylor, Warburton, Welborn.

Total 22

Excused: Butcher, Howard.

Total 2

Absent or not voting: Stahl.

Total 1

HB 432 - Representative Mehlhoff moved **HB 432** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: McGillvray, Mendenhall, More, Sales, Smith, Stoker.

Total 6

Excused: Butcher, Howard.

Total 2

Absent or not voting: McAlpin.

Total 1

HB 490 - Representative Van Dyk moved **HB 490** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 89

Nays: Bean, Boniek, Hawk, Lake, Mendenhall, Sales, Wagner, Warburton.

Total 8

Excused: Butcher, Howard.

Total 2

Absent or not voting: P. Beck.

Total 1

HB 515 - Representative McAlpin moved **HB 515** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Boniek, Mendenhall, Peterson, Randall.

Total 4

Excused: Butcher, Howard.

Total 2

Absent or not voting: None.

Total 0

HB 531 - Rep. Campbell moved to pass consideration for the day on **HB 531**. Motion carried.

HB 544 - Representative Vincent moved **HB 544** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: None.

Total 0

Excused: Butcher, Howard.

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Total 2

Absent or not voting: Hands.

Total 1

HB 563 - Rep. Campbell moved to pass consideration for the day on **HB 563**. Motion carried.

HB 567 - Representative Sonju moved **HB 567** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: None.

Total 0

Excused: Butcher, Howard.

Total 2

Absent or not voting: Ankney, Barrett, Ingraham.

Total 3

HJR 22 - Representative O'Hara moved **HJR 22** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Hawk, Kasten, Kerns, Lake, Mendenhall, Sales.

Total 6

Excused: Butcher, Howard.

Total 2

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hoven moved the Committee of the Whole report be adopted. Report adopted

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as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Boniek, McGillvray.

Total 2

Excused: Blewett, Butcher, Howard, Nooney.

Total 4

Absent or not voting: Hawk, Hoven.

Total 2

MOTIONS

Rep. Campbell moved that **HB 12** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that **HB 85** be moved to the Appropriations Committee. Motion carried.

REPORTS OF STANDING COMMITTEES

HUMAN SERVICES (Becker, Chairman):

2/21/2009

HB 453, introduced bill, be amended as follows:

1. Page 2, line 20.

Following: "resources"

Insert: "and using existing personnel"

And, as amended, do pass. Report adopted.

EDUCATION (Grinde, Chairman):

2/21/2009

HB 512, do pass. Report adopted.

HB 611, do pass. Report adopted.

NATURAL RESOURCES (Milburn, Chairman):

2/21/2009

HB 402, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "TO 500,000 ACRES"

2. Page 1, line 13.

Strike: "500,000"

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Insert: "250,000"

And, as amended, do pass. Report adopted.

HB 425, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "HEARINGS"

Insert: "MEETINGS"

2. Page 1, line 13.

Following: "(2)"

Insert: "(a)"

Strike: "40"

Insert: "77"

3. Page 1.

Following: line 14

Insert: "(b) Upon receipt of a nomination by the department, the location of the tracts is public information."

4. Page 1, line 16.

Strike: "a description of each tract"

Insert: "the number of tracts in each county"

5. Page 1, line 18.

Strike: "70"

Insert: "not less than 63"

6. Page 1, line 19.

Strike: "at least twice not more than"

Insert: "between 21 days and"

7. Page 1, line 22.

Strike: "a description and an area map"

Insert: "the number"

Following: "county"

Insert: "and notice that a description and maps of tracts nominated are available on the department's website"

8. Page 1.

Following: line 22

Insert: "(5) The department shall publish on its website a description and maps of tracts to be offered for sale."

Renumber: subsequent subsections

9. Page 1, line 23 through line 29.

Strike: subsection (5) in its entirety

Insert: " (6) (a) Except as provided in subsection (6)(b), the department shall provide notice by first-class mail to the surface owner of a tract being offered for sale using the most current known property owners of record as shown in the records of the county clerk and recorder of the county where the tract is located.

(b) The notice in subsection (6)(a) is not required if the surface is managed by the department pursuant to

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Title 77, chapter 1."

10. Page 1, line 30.

Strike: "(5)"

Insert: "(6)"

11. Page 2, line 1.

Following: "offered for sale"

Insert: "that initiated the notice requirements of subsection (6)"

12. Page 2, line 5.

Strike: "hearing"

Insert: "meeting"

Strike: "hearings"

Insert: "meetings"

13. Page 2, line 7.

Strike: "hearing"

Insert: "meeting"

And, as amended, do pass. Report adopted.

HB 557, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "AND"

2. Title, line 6.

Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

3. Page 1, line 11.

Following: "systems"

Insert: "established by a regional water authority pursuant to Title 75, chapter 6, part 3"

4. Page 1, line 12.

Strike: "development"

Insert: "construction"

Following: "regional"

Insert: "public"

Following: "water"

Insert: "supply"

5. Page 1, line 13.

Strike: "development"

Insert: "construction"

6. Page 1, line 15.

Strike: "application"

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Insert: "approval"

Strike: "for the development period of the project"

Insert: "that may not be subject to change for 72 months"

7. Page 1, line 16 through line 17.

Strike: "the development" on line 16 through "project" on line 17

Insert: "72 months"

8. Page 1, line 18.

Following: "approval of"

Insert: "an individual regional water supply system's"

Following: "standard construction"

Strike: "specifications"

Insert: "contract documents and provisions for amendments to those documents to remain in effect"

Strike: "development"

Insert: "construction"

9. Page 1, line 19.

Following: "storage"

Insert: "pumping"

10. Page 1, line 20.

Following: "regional"

Insert: "public"

Following: "water"

Insert: "supply"

Strike: "20 working"

Insert: "60 calendar"

11. Page 1, line 22 through line 24.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

12. Page 1, line 26.

Following: "regional"

Insert: "public"

Following: "water"

Insert: "supply"

13. Page 3.

Following: line 9

Insert: "NEW SECTION. **Section 4. Applicability.** [This act] applies to plans and specifications for a regional public water supply system submitted after [the effective date of this act]."

And, as amended, do pass. Report adopted.

TRANSPORTATION (Sonju, Chairman):

2/21/2009

HB 526, introduced bill, be amended as follows:

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1. Title, page 1, line 4.

Following: "USE OF"

Insert: "CERTAIN"

2. Page 1, line 9.

Following: "Use of"

Insert: "certain"

Strike: the second "salt"

Insert: "magnesium chloride or calcium chloride"

3. Page 1, line 12.

Following: "Use of"

Insert: "certain"

Strike: the second "salt"

Insert: "magnesium chloride or calcium chloride"

4. Page 1, line 15.

Following: "Use of"

Insert: "certain"

Strike: the second "salt"

Insert: "magnesium chloride or calcium chloride"

And be amended as follows:

1. Title, page 1, line 5.

Strike: "DURING THE WINTER MONTHS"

2. Page 1, line 10.

Strike: "during the winter months"

3. Page 1, line 13.

Strike: "during the winter months"

4. Page 1, line 16.

Strike: "during the winter months"

And, as amended, do pass. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Monday, February 23, 2009. Motion carried.

House adjourned at 8:38 p.m.

DAVE HUNTER

BOB BERGREN

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Chief Clerk of the House

Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FORTY-SECOND LEGISLATIVE DAY**

Helena, Montana
February 23, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Pease-Lopez. Pledge of Allegiance to the Flag.

Roll Call. All members present. Except for Rep. Berry who is excused. Quorum present.

Mr. Speaker introduced that pages for the week Jamin Bonato (Deerlodge), Michael DesRosier (Browning), Charles French (Paradise), Jorda Kovash (Deerlodge), Quincy Linhart (Hobson), Celeste Petesch (Billings), Brianne Rembe (Great Falls), Logan Smith (Lewistown).

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):
HB 572, introduced bill, be amended as follows:

2/23/2009

1. Title, line 7.

Strike: "AND A CONTINGENT TERMINATION DATE"

2. Page 1, line 18.

Strike: "[the distribution provided in 15-35-108(9)(b)(iv)(B) and from]"

3. Page 3, line 22 through line 28.

Strike: Section 7 in its entirety

And, as amended, do pass. Report adopted.

HB 580, introduced bill, be amended as follows:

1. Title, line 9 through line 10.

Strike: "AND" on line 9 through "EMPLOYMENT" on line 10

2. Title, line 10.

Strike: "39-51-2101,"

Following: "39-51-2111,"

Insert: "AND"

Strike: "AND 39-51-2302,"

3. Title, line 11.

Strike: "AND A CONTINGENT TERMINATION DATE"

4. Page 1, line 21.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

5. Page 3, following line 11.

Insert: "However, in the case of a combined-wage claim pursuant to the arrangement approved by the secretary of labor of the United States, the base period is the period applicable under the unemployment law of the paying

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state."

6. Page 5, line 26.

Strike: "35"

Insert: "40"

7. Page 7, line 5 through line 12.

Strike: Section 4 in its entirety

Renumber: subsequent sections

8. Page 9, line 1.

Strike: "(a)"

Following: "maximum"

Insert: "and minimum benefit amounts are computed in the following manner:

(a) The maximum weekly benefit amount is 67.5% of the average weekly wage and must be applied to all maximum weekly benefit amount claims for benefits filed to establish a benefit year commencing on or after July 1 of the same year.

(b) The minimum weekly benefit amount must be 20% of the average weekly wage.

(c) The minimum weekly benefit amount, if not a multiple of \$1, must be computed to the nearest lower full dollar amount."

9. Page 9, line 3 through line 8.

Strike: "weekly" on line 3 through "amount." on line 8

10. Page 9, line 17 through page 10, line 16.

Strike: Section 7 in its entirety

Renumber: subsequent sections

11. Page 10, line 24 through line 27.

Strike: Section 10 in its entirety

And, as amended, do pass. Report adopted.

HB 608, introduced bill, be amended as follows:

1. Page 1, line 14.

Strike: "A"

Insert: "The fire chief, representing and on behalf of a"

Following: "government"

Insert: ", "

2. Page 1, line 15 through line 16.

Strike: "an appropriate local official"

Insert: "the fire chief"

3. Page 1, line 16.

Following: "public."

Insert: "Any lien executed under the provisions of this subsection (2) are junior to a perfected security interest."

4. Page 1, line 17.

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Strike: "appropriate official"

Insert: "fire chief"

And, as amended, do pass. Report adopted.

HB 621, introduced bill, be amended as follows:

1. Page 1, line 21 through line 22.

Following: "activities"

Strike: "on the" on line 21 through "license" on line 22

Insert: "except for horseracing as authorized in Title 23, chapter 4"

2. Page 1, following line 23.

Insert: "(d) is authorized for use in all facilities contained in the fairgrounds complex;

(e) is not, with respect to the facilities, subject to the provisions of 16-4-204(2);"

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

EDUCATION (Grinde, Chairman):

2/23/2009

HB 15, do pass. Report adopted.

HB 488, introduced bill, be amended as follows:

1. Page 1, line 25.

Strike: "prior to the repeal of 20-6-205"

Insert: "during the years 2004 to 2006"

And, as amended, do pass. Report adopted.

HB 513, introduced bill, be amended as follows:

1. Page 1, line 16.

Strike: "and 20-9-502"

2. Page 3, line 21.

Strike: "The"

3. Page 3, line 22.

Strike: "outstanding indebtedness of the district may not be more than the limitations provided in 20-9-406."

And, as amended, do pass. Report adopted.

2/23/2009

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman):

2/23/2009

HB 375, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "PROVIDE"

Insert: "SUPPORT THE LEGISLATIVE CLIMATE CHANGE COMMITTEE IN DEVELOPING"

2. Title, page 1, line 6.

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Following: "A"

Insert: "LEGISLATIVE"

3. Page 1, line 12.

Strike: "work with the"

Insert: "support the legislative"

4. Page 1, line 13.

Strike: "to prepare"

Insert: "in preparation of"

5. Page 1, line 14.

Following: "initiative"

Insert: ", including proposed legislation implementing the findings of the report"

6. Page 1, line 16.

Strike: "developing" through "(3)(b)"

Insert: "supporting the committee in developing the report"

7. Page 1, line 17.

Following: "(3)"

Insert: "(a)"

Strike: "August"

Insert: "September"

8. Page 1, line 18 through line 25.

Strike: "for:" on line 18 through "initiative." on line 25

Insert: "as to whether Montana should participate in a regional or federal climate change initiative that would include a tax on greenhouse gas emissions or a cap and trade program for greenhouse gas emissions.

(b) For a potential cap and trade program, the report must include recommendations that specifically consider:

(i) the scope of a cap and trade program and cap setting;

(ii) the distribution of allowances and the definition of use of offsets;

(iii) reporting, market operation, and oversight; and

(iv) the necessary changes to existing law.

(c) For a potential tax on greenhouse gas emissions, the report must include recommendations that address the necessary changes to existing law."

9. Page 2, line 4 through line 5.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

HB 483, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "A PARTY"

Insert: "CERTAIN PARTIES"

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2. Title, line 11.

Strike: "120"

Insert: "150"

3. Page 1, line 21 through line 22.

Strike: "by" on line 21 through "applicant" on line 22

4. Page 1, line 23.

Following: "period"

Insert: ", unless the issues are related to a change in federal law or to a judicial decision issued after the comment period,"

5. Page 1, line 25.

Following: "requested"

Strike: ", "

Insert: "by a person other than"

Following: "project"

Insert: ", the applicant or permittee"

Following: "may,"

Insert: "by filing a written election with the board"

6. Page 1, line 27 through line 28.

Strike: "The" on line 27 through "election." on line 28

Insert: "The party who requests the hearing may elect to have the matter submitted either to the board for a hearing or to the district court for judicial review by submitting a written election to the board with the request for hearing. If there are conflicting elections between the parties, the matter must proceed to district court."

7. Page 1, line 29.

Following: "permittee"

Insert: "is not the person who requested the hearing and"

8. Page 2, line 1.

Following: "permittee."

Insert: "If the person who requested the hearing has elected to have the matter proceed to district court, that person shall file a petition in district court within 30 days of filing the request."

9. Page 2, line 6.

Strike: "or evidence"

10. Page 2, line 8.

Following: "period"

Insert: "unless the issue is related to a change in federal law or to a judicial decision issued after the comment period"

11. Page 2, line 9.

Following: "(c)"

Insert: "(i)"

Strike: "If"

Insert: "Except as provided in subsection (1)(c)(ii), if"

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12. Page 2, line 11 through line 14.

Following: "employees" on line 11

Insert: ". "

Strike: "unless" on line 11 through "injunctions." on line 14

Insert: "(ii) The board or the court may not require a written undertaking if:

(A) the board or the district court determines that:

(I) issuance of the permit was prohibited by statute; or

(II) the request for a hearing or judicial review was not for an improper purpose designed to harass, cause delay, or improperly interfere with the issuance of the permit; or

(B) the party requesting the hearing is an indigent person."

13. Page 2, line 20.

Strike: "120"

Insert: "150"

14. Page 2, line 21.

Strike: "agrees"

Insert: "and the party other than the applicant or permittee agree"

15. Page 2, line 22.

Following: "(3)"

Insert: "(a)"

16. Page 2, line 23.

Following: "proceeding"

Insert: ", but not by more than 12 months,"

17. Page 2, line 24.

Following: "writing."

Insert: "(b) If there are multiple appeals of one permit, tolling under this subsection (3) may not exceed a total of 12 months for all appeals.

(c) The applicant may not engage in construction during the period that the time period is tolled under subsection (3)(a)."

18. Page 17, line 22.

Strike: "If"

Insert: "(1) Except as provided in subsection (2), if"

19. Page 17, line 25 through line 27.

Following: "permittee" on line 25

Insert: ". "

Strike: "unless" on line 25 through "injunctions." on line 27

Insert: "(2) The district court may not require a written undertaking if:

(a) the district court determines that:

(i) issuance of the permit was prohibited by statute; or

(ii) the request for judicial review was not for an improper purpose designed to harass, cause delay, or improperly interfere with the issuance of the permit; or

(b) the party requesting the hearing is an indigent person."

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20. Page 18, line 7.

Strike: "by a party other than the applicant"

21. Page 18, line 8.

Following: "period"

Insert: ", unless the issues are related to a change in federal law or to a judicial decision issued after the comment period,"

22. Page 18, line 11.

Following: "requested"

Strike: " , "

Insert: "by a person other than"

Following: "permittee"

Insert: ", the applicant or permittee"

Following: "may,"

Insert: "by filing a written election with the board,"

23. Page 18, line 13 through line 14.

Strike: "The" on line 13 through "election." on line 14

Insert: "The party who requests the hearing may elect to have the matter submitted either to the board for a hearing or to the district court for judicial review by submitting a written election to the board with the request for hearing. If there are conflicting elections between the parties, the matter must proceed to district court."

Following: "permittee"

Insert: "is not the person who requested the hearing and"

24. Page 18, line 16.

Following: "permittee."

Insert: "If the person who requested the hearing has elected to have the matter proceed to district court, that person shall file a petition in district court within 30 days of filing the request."

25. Page 18, line 21.

Strike: "or evidence"

26. Page 18, line 30.

Strike: "120"

Insert: "150"

27. Page 19, line 1.

Strike: "agrees"

Insert: "and the party other than the applicant agree"

28. Page 19, line 9.

Insert: "NEW SECTION. Section 10. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

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And, as amended, do pass. Report adopted.

HB 529, do pass. Report adopted.

HB 566, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 6.

Strike: "REVISING" on line 4 through "ONLY;" on line 6

2. Title, page 1, line 8.

Strike: "SECTIONS 75-1-102 AND"

Insert: "SECTION"

3. Page 1, line 13 through line 27.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 2, line 8.

Following: "~~decisionmaking~~"

Insert: "and in decisionmaking"

5. Page 2, line 14.

Following: "~~decisionmaking~~"

Insert: "in decisionmaking"

6. Page 4, line 3.

Strike: "legislature and the"

And, as amended, do pass. Report adopted.

HJR 23, be adopted. Report adopted.

HUMAN SERVICES (Becker, Chairman):

2/23/2009

HB 409, introduced bill, be amended as follows:

1. Page 1, line 30.

Following: ";"

Strike: "or"

2. Page 2, line 1.

Following: "part 3"

Insert: "; or

(c) is subject to restricted distribution pursuant to 21 CFR 314.520"

3. Page 9, line 26.

Strike: "immunities"

Insert: "immunity"

4. Page 9, line 27.

Strike: "(1)"

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5. Page 10, line 1 through line 10.

Strike: subsection (2) through subsection (3) in their entirety

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

2/23/2009

HB 591, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "TWO"

Insert: "THREE"

2. Page 2, line 4.

Strike: "two"

Insert: "three"

And, as amended, do pass. Report adopted.

HB 626, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/23/2009

SB 151, introduced by Brueggeman

SB 192, introduced by Zinke

SB 250, introduced by Wanzenried

SB 360, introduced by Keane

SB 363, introduced by Stewart-Peregoy

SB 387, introduced by Bales

SB 430, introduced by Hamlett

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HJR 24, introduced by Boniek, referred to Judiciary.

HJR 26, introduced by More, referred to Judiciary.

HB 636, introduced by Dickenson, referred to Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

SB 151, introduced by Brueggeman, referred to Business and Labor.

SB 192, introduced by Zinke, referred to Business and Labor.

SB 250, introduced by Wanzenried, referred to Judiciary.

SB 360, introduced by Keane, Ankney, Glaser, Hiner, Jones, J. Peterson, Windy Boy, referred to Natural Resources.

SB 363, introduced by Stewart-Peregoy, Juneau, referred to Business and Labor.

SB 387, introduced by Bales, referred to Federal Relations, Energy, and Telecommunications.

SB 430, introduced by Hamlett, Gebhardt, referred to Taxation.

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THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 194 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Berry.

Total 1

Absent or not voting: None.

Total 0

HB 420 passed as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 65

Nays: Ankney, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Howard, Jones, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Miller, More, Morgan, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Wagner, Warburton.

Total 34

Excused: Berry.

Total 1

Absent or not voting: None.

Total 0

HB 432 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett,

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Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: McGillvray, Mendenhall, Miller, More, Roberts, Sales, Smith, Stoker, Warburton.

Total 9

Excused: Berry.

Total 1

Absent or not voting: None.

Total 0

HB 490 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Bean, Boniek, Hawk, Kasten, Lake, Mendenhall, More, Sales, Wagner, Warburton, Washburn.

Total 11

Excused: Berry.

Total 1

Absent or not voting: None.

Total 0

HB 515 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

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Nays: Boniek, Mendenhall, Peterson.
Total 3

Excused: Berry.
Total 1

Absent or not voting: None.
Total 0

HB 544 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: Berry.
Total 1

Absent or not voting: None.
Total 0

HB 567 passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: None.
Total 0

Excused: Berry.
Total 1

Absent or not voting: Barrett, Stahl.

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Total 2

HJR 22 adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Hawk, Hendrick, Kasten, Kerns, Lake, Mendenhall, More, Sales, Wagner.

Total 9

Excused: Berry.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Rep. Sales moved to refer **HB 625** be taken from the Speakers desk and sent to House Taxation for a hearing. Motion **failed** as follows.

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 49

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 50

Excused: Berry.

Total 1

Absent or not voting: None.

Total 0

Rep. Mendenhall requested the Republicans caucus for 25 minutes.

Rep. Phillips announced that the Democrats will stand at ease.

Mr. Speaker announced that the House will stand at ease until 1:50 p.m.

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollenbaugh in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 218 - Representative Menahan moved **HB 218** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 55

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hiner, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 43

Excused: None.

Total 0

Absent or not voting: Glaser, Jones.

Total 2

HB 279 - Representative Reinhart moved **HB 279** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: Bean, Berry, Boniek, Brown, Hawk, Kasten, Kerns, Lake, MacLaren, More, Peterson, Regier, Sales, Smith, Taylor, Vance, Wagner, Washburn.

Total 18

Excused: None.

Total 0

Absent or not voting: O'Hara.

Total 1

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HB 370 - Representative Cohenour moved **HB 370** do pass. Motion **failed** as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 48

Nays: Ankney, Arntzen, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, French, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 52

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 394 - Representative McAlpin moved **HB 394** do pass. Motion **failed** as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 50

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 399 - Representative Furey moved **HB 399** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 55

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Washburn, Welborn.

Total 44

Excused: None.

Total 0

Absent or not voting: Ankney.

Total 1

HB 408 - Representative Pomnichowski moved **HB 408** do pass. Motion **failed** as follows:

Yeas: Augare, Barrett, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 49

Nays: Arntzen, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Fleming, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 49

Excused: None.

Total 0

Absent or not voting: Ankney, Jones.

Total 2

HB 417 - Representative Malek moved **HB 417** do pass. Motion **failed** as follows:

Yeas: Augare, Barrett, P. Beck, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Henry, Hiner, Hollenbaugh, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 45

Nays: Ankney, Arntzen, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Getz, Glaser, Hands, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 55

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 431 - Representative Blewett moved **HB 431** do pass.
HB 431 - Representative Blewett moved **HB 431**, be amended as follows:

1. Title, line 4.

Strike: "CANINE"
Insert: "DOG"

2. Title, line 5.

Strike: "CANINE"
Insert: "DOG"

3. Page 1, line 11.

Strike: "CANINE"
Insert: "dog"

4. Page 1, line 12.

Strike: "CANINE"
Insert: "dog"

5. Page 1, line 14.

Strike: "CANINE"
Insert: "dog"

6. Page 1, line 16.

Strike: "CANINE"
Insert: "dog"
Strike: "CANINE'S"
Insert: "dog's"

7. Page 1, line 25.

Strike: "an individual or other person as defined in 1-1-201,"
Insert: "a person"

8. Page 1, line 25 through line 26.

Strike: ", possesses, harbors, keeps, controls, has custody of,"

9. Page 1, line 26.

Strike: "CANINE"
Insert: "dog"

Motion to amend, carried as follows:

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Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: Hawk, Hoven, Kasten, Kerns, Lake, Mendenhall, Miller, Randall, Regier.

Total 9

Excused: Berry.

Total 1

Absent or not voting: Ankney, Ingraham, MacDonald, Sales, Sonju.

Total 5

HB 431 - Representative Blewett moved **HB 431** do pass, as amended. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 75

Nays: Augare, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Hawk, Hoven, Kerns, Lake, Mendenhall, More, Randall, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Welborn.

Total 24

Excused: None.

Total 0

Absent or not voting: Pease-Lopez.

Total 1

HB 443 - Representative Menahan moved **HB 443** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 53

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray,

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McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 46

Excused: None.

Total 0

Absent or not voting: Becker.

Total 1

HB 445 - Representative Hands moved **HB 445** do pass. Motion carried as follows:

Yeas: Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 54

Nays: Ankney, Arntzen, B. Beck, Bennett, Berry, Blasdel, Brown, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Washburn, Welborn.

Total 45

Excused: None.

Total 0

Absent or not voting: Van Dyk.

Total 1

Majority Leader Campbell moved the committee rise and report and segregate **HB 408** and **HB 417** from the committee report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollenbaugh moved to adopt and segregate and that the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jopek, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 58

Nays: B. Beck, Bennett, Blasdel, Boniek, Glaser, Hawk, Himmelberger, Hoven, Howard, Jones, Kerns, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 37

Excused: Berry.

Total 1

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Absent or not voting: P. Beck, Hendrick, Ingraham, Kasten.
Total 4

MOTIONS

Rep. Campbell moved that **HJR 20** be moved to the Judiciary Committee. Motion carried.

Rep. Roberts moved that **HB 307** be moved from the Committee on Health and Human Services and be placed on 2nd reading on the 43rd legislative day. Motion requires 3/5 majority vote. Motion carried as follows.

Yeas: Ankney, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Vincent, Wilmer, Wiseman, Mr. Speaker.
Total 68

Nays: Arntzen, B. Beck, Bennett, Blasdel, Brown, Hawk, Hendrick, Howard, Ingraham, Jones, Kasten, Kerns, Mendenhall, Miller, More, Morgan, O'Hara, Peterson, Regier, Reichner, Sales, Smith, Sonju, Stoker, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilson.
Total 31

Excused: Berry.
Total 1

Absent or not voting: None.
Total 0

Rep. McAlpin moved that **HB 292** be moved from the Committee on Health and Human Services and be placed on 2nd reading on the 43rd legislative day. Motion requires 3/5 majority vote. Motion **failed** as follows.

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 52

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.
Total 46

Excused: Berry.
Total 1

Absent or not voting: Welborn.
Total 1

Rep. Mendenhall rose on a point of order to point out that to segregating a Committee as a Whole report is a debatable

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motion and there was no debate.

Rep. Mendenhall moved to reconsider action of the adopt the committee report. A debatable motion.

Mr. Speaker asked Rep. Mendenhall to withdraw his motion.

Rep. Campbell moved to adopt and segregate **HB 408** and **HB 417** and that the Committee of the Whole report be adopted. Motion carried as follows and report adopted.

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 52

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 46

Excused: Berry.

Total 1

Absent or not voting: Welborn.

Total 1

Rep. Campbell moved to recess until 6:00 p.m.

Rep. Campbell moved to amend her motion and to recess at 5:15 p.m.

The House is in recess until 5:15 p.m.

The House was called to order at 5:18 p.m.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollenbaugh in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 472 - Representative Di. Barrett moved **HB 472** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 75

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Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, Mendenhall, Miller, More, Peterson, Regier, Sales, Smith, Stoker, Taylor, Wagner, Warburton, Welborn.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 499 - Representative French moved **HB 499** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 82

Nays: B. Beck, Boniek, Hawk, Howard, Ingraham, Kasten, Kerns, Lake, Mendenhall, Miller, More, Regier, Reichner, Sales, Sonju, Stoker, Taylor, Wagner.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 531 - Representative Nooney moved **HB 531** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boniek, Brown, Butcher, Campbell, Ebinger, Fleming, French, Furey, Getz, Glaser, Hendrick, Hiner, Hollandsworth, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 66

Nays: P. Beck, Berry, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hollenbaugh, Hoven, Jopek, Lake, MacDonald, Malek, McAlpin, Menahan, A. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Sesso, Steenson, Stoker, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 34

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

HB 534 - Representative Campbell moved **HB 534** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 67

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Boniek, Hawk, Hendrick, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, Morgan, Nooney, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vincent.
Total 31

Excused: None.
Total 0

Absent or not voting: Jones, Welborn.
Total 2

HB 542 - Representative Vance moved **HB 542** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson.
Total 94

Nays: Caferro, Wiseman, Mr. Speaker.
Total 3

Excused: None.
Total 0

Absent or not voting: Hunter, McChesney, Sands.
Total 3

HB 546 - Representative Pomnichowski moved **HB 546** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands,

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Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Vincent, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 58

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McNutt, Mendenhall, Milburn, Miller, More, Nooney, O'Hara, Peterson, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Washburn, Welborn.

Total 41

Excused: None.

Total 0

Absent or not voting: Blasdel.

Total 1

HB 563 - Representative Kottel moved **HB 563** do pass.

HB 563 - Representative Stahl moved **HB 563** be amended as follows:

1. Page 1.

Following: line 30

Insert: "(5) This section does not apply to county roads established by prescriptive easement."

Motion to amend, carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Wagner.

Total 1

Excused: Berry.

Total 1

Absent or not voting: None.

Total 0

HB 563 - Representative Kottel moved **HB 563** do pass as amended. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll,

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Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: Wagner.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 565 - Representative Furey moved **HB 565** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 83

Nays: Becker, Bennett, Boniek, Hawk, Henry, Hoven, Howard, Kasten, Kerns, Mendenhall, Miller, More, Morgan, Peterson, Regier, Wagner.
Total 16

Excused: None.
Total 0

Absent or not voting: O'Hara.
Total 1

HB 585 - Representative McClafferty moved **HB 585** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 80

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Nays: Ankney, Bennett, Boniek, Hawk, Kerns, Lake, McGillvray, Peterson, Randall, Regier, Reichner, Sales, Stoker, Taylor, Vance, Vincent.

Total 16

Excused: None.

Total 0

Absent or not voting: Getz, Kasten, More, P. Noonan.

Total 4

HB 622 - Representative Himmelberger moved **HB 622** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 95

Nays: Boniek, More, Villa, Wagner, Mr. Speaker.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 628 - Representative Stoker moved **HB 628** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson.

Total 91

Nays: Augare, Belcourt, Boniek, Caferro, Mendenhall, Wiseman, Mr. Speaker.

Total 7

Excused: None.

Total 0

Absent or not voting: Stahl, Steenson.

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Total 2

HJR 14 - Representative Warburton moved **HJR 14** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Campbell, Cohenour, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 81

Nays: Barrett, Becker, Boss Ribs, Caferro, Dickenson, Driscoll, Hamilton, Henry, Hunter, Malek, McAlpin, A. Noonan, Pease-Lopez, Phillips, Sesso, Steenson, Villa, Wiseman.

Total 18

Excused: None.

Total 0

Absent or not voting: Pomnichowski.

Total 1

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 90

Nays: Bean, Hawk, Mendenhall, Miller, Sales, Vincent, Wagner, Mr. Speaker.

Total 8

Excused: Berry.

Total 1

Absent or not voting: Sonju.

Total 1

Rep. Campbell moved that **HB 399** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that **HB 472** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that **HB 565** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that **HB 585** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that **HB 279** be moved to the Appropriations Committee. Motion carried.

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Rep. Campbell moved that **HB 499** be moved to the Appropriations Committee. Motion carried.
Rep. Himmelberger moved that **HB 50** be moved to the Appropriations Committee. Motion carried.
Rep. Himmelberger moved that **HB 364** be moved to the Appropriations Committee. Motion carried.
Rep. MacLaren moved that **HB 556** be moved from the State Administration Committee and be placed on 2nd reading on the 43rd legislative day. Motion requires 3/5ths majority vote. Motion **failed** as follows.

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Noonney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 51

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 48

Excused: Berry.

Total 1

Absent or not voting: None.

Total 0

Rep. Villa moved that **HB 358** be moved from the State Administration Committee and be placed on 2nd reading on the 43rd legislative day. Motion requires 3/5ths majority vote. Motion **failed** as follows.

Yeas: Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 53

Nays: Ankney, Arntzen, Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Noonney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 46

Excused: Berry.

Total 1

Absent or not voting: None.

Total 0

Rep. Cohenour moved that **HB 510** be moved from the Transportation Committee and be placed on 2nd reading on the 43rd legislative day. Motion requires a 3/5ths majority vote. Motion **failed** as follows.

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Yeas: Augare, Barrett, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 54

Nays: Ankney, Arntzen, Bean, B. Beck, P. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 45

Excused: Berry.

Total 1

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:00 a.m., Tuesday, February 24, 2009. Motion carried.

House adjourned at 7:20 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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61ST LEGISLATURE
FORTY-THIRD LEGISLATIVE DAY**

Helena, Montana
February 24, 2009

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Ingraham. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Mendenhall announced that the Republicans will caucus for 25 minutes.

Rep. Phillips announced that the Democrats will caucus for 25 minutes.

Mr. Speaker announced that the House will be in recess until 8:30 a.m.

The House was called to order at 8:44 a.m.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Himmelberger in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 15 - Representative Villa moved **HB 15** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 82

Nays: Blasdel, Boniek, Brown, Hawk, Howard, Kasten, Kerns, McGillvray, Mendenhall, More, Morgan, Randall, Sales, Smith, Stahl, Vance, Wagner, Washburn.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 84 - Representative Wilson moved **HB 84** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 56

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 145 - Representative McAlpin moved to pass consideration on **HB 145** for the day. Motion carried.

HB 289 - Representative Phillips moved **HB 289** do pass. Motion requires 2/3 majority of entire legislator. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Ingraham, Jones, Jopek, Klock, MacLaren, McAlpin, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman.

Total 57

Nays: B. Beck, Bennett, Blasdel, Blewett, Boniek, Brown, Butcher, Campbell, Hawk, Henry, Hiner, Howard, Hunter, Kasten, Kerns, Kottel, Lake, MacDonald, Malek, McGillvray, Mendenhall, Milburn, Miller, More, Peterson, Randall, Regier, Reichner, Roberts, Sales, Sands, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn, Mr. Speaker.

Total 42

Excused: None.

Total 0

Absent or not voting: McChesney.

Total 1

HB 375 - Representative Phillips moved **HB 375** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 56

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju,

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Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 44

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 402 - Representative French moved **HB 402** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 87

Nays: Bean, Boniek, Hawk, Himmelberger, Howard, Kerns, Lake, Miller, Stahl, Stoker, Vance, Washburn.
Total 12

Excused: None.
Total 0

Absent or not voting: Mendenhall.
Total 1

HB 408 - Representative Pomnichowski moved **HB 408** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Mendenhall, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 57

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, MacLaren, McGillvray, McNutt, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 43

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 409 - Representative Pomnichowski moved **HB 409** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: Arntzen, B. Beck, Bennett, Blasdel, Butcher, Hawk, Howard, Ingraham, Kasten, Kerns, Lake, Mendenhall, Milburn, Peterson, Regier, Reichner, Sales, Sonju, Stahl, Stoker, Vance, Vincent, Wagner.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 417 - Representative Malek moved **HB 417** do pass. Motion **failed** as follows:

Yeas: Augare, Barrett, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 49

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 49

Excused: None.

Total 0

Absent or not voting: P. Beck, McNutt.

Total 2

HB 425 - Representative Vincent moved **HB 425** be amended as follows:

1. Title, line 5 through line 6.

Following: "DEADLINE;"

Insert: "AND"

Following: "MEETINGS"

Strike: "; AND" on line 5 through "NOTICE" on line 6

2. Page 2, line 15 through line 16.

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Strike: subsection (8) in its entirety

Motion to amend, carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Cohenour.

Total 1

Excused: None.

Total 0

Absent or not voting: Pease-Lopez.

Total 1

HB 425 - Representative Pomnichowski moved **HB 425** as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McChesney, McClafferty, Mehlhoff, Menahan, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 66

Nays: Bean, Bennett, Berry, Blasdel, Boniek, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Miller, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Vance, Van Dyk, Wagner, Warburton.

Total 30

Excused: None.

Total 0

Absent or not voting: McAlpin, Milburn, Taylor, Welborn.

Total 4

Rep. Sales rose on a point of an order and asked every member of the House to vote when they are present. He noted that there are members at their desks and that they are not voting.

Mr. Speaker concurred.

HB 451 - Representative Ebinger moved **HB 451** do pass. Motion carried as follows:

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Yeas: Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 58

Nays: Ankney, Arntzen, Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Steenson, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: Boniek, Hawk, Hendrick, Kasten, Kerns, McGillvray, Mendenhall, Miller, Peterson, Randall, Sales, Smith, Sonju, Stahl, Stoker, Vance, Vincent.

Total 17

Excused: None.

Total 0

Absent or not voting: Bennett, Himmelberger, MacLaren, Milburn, Roundstone, Taylor.

Total 6

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Himmelberger in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 453 - Representative P. Noonan moved **HB 453** do pass. Motion carried as follows:

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Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 53

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 466 - Representative P. Beck moved **HB 466** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 64

Nays: Ankney, Bean, Bennett, Blasdel, Boniek, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, O'Hara, Peterson, Randall, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Mr. Speaker assumed the chair.

HB 504 - Representative Reinhart moved **HB 504** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 82

Nays: Bean, B. Beck, Bennett, Blasdel, Brown, Butcher, Glaser, Hawk, Himmelberger, Hollandsworth, Jones, Kerns, Lake, Reichner, Sales, Sonju, Stahl, Washburn.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 512 - Representative Cohenour moved **HB 512** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Fleming, Hawk, Lake, Regier, Stoker.

Total 5

Excused: None.

Total 0

Absent or not voting: Belcourt, Caferro, Glaser, Mehlhoff, Welborn.

Total 5

HB 513 - Representative Cohenour moved **HB 513** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Boniek, Brown, Hawk, Lake, Mendenhall, Miller, Roberts, Sales, Sonju, Stoker.

Total 10

Excused: None.

Total 0

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Absent or not voting: Smith.
Total 1

HB 517 - Representative Hollenbaugh moved **HB 517** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 92

Nays: Butcher, Hawk, Lake, Mendenhall, Miller, More, Sales, Welborn.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 522 - Representative Reinhart moved **HB 522** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 72

Nays: Bean, Blasdel, Boniek, Butcher, Hawk, Hendrick, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Peterson, Randall, Regier, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton.
Total 27

Excused: None.
Total 0

Absent or not voting: P. Noonan.
Total 1

HB 536 - Representative Malek moved **HB 536** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven,

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Howard, Hunter, Ingraham, Jones, Jopek, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: Bennett, Brown, Kasten, Kerns, Klock, Mendenhall, Miller, Peterson, Stoker, Wagner, Warburton, Welborn.
Total 12

Excused: None.
Total 0

Absent or not voting: Himmelberger, Morgan.
Total 2

HB 557 - Representative Belcourt moved **HB 557** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Boniek, Hawk, Kerns, Morgan, Stahl, Wagner.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Himmelberger reassumed the chair.

HB 572 - Representative Pomnichowski moved **HB 572** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 79

Nays: Boniek, Hawk, Hendrick, Hoven, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller,

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Peterson, Regier, Sales, Smith, Stahl, Stoker, Taylor, Welborn.
Total 20

Excused: None.
Total 0

Absent or not voting: MacLaren.
Total 1

HB 578 - Representative Caferro moved **HB 578** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Reichner, Roundstone, Sands, Sesso, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 72

Nays: Arntzen, Bennett, Berry, Blasdel, Boniek, Brown, Hawk, Hendrick, Kasten, Kerns, Lake, MacLaren, McNutt, Mendenhall, Miller, O'Hara, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stoker, Wagner.
Total 25

Excused: None.
Total 0

Absent or not voting: Milburn, Reinhart, Taylor.
Total 3

Rep. Campbell moved that **HB 580** be placed at the end of the agenda. Motion carried.

HB 584 - Representative A. Noonan moved **HB 584** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 80

Nays: Bean, Bennett, Boniek, Butcher, Hawk, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Morgan, Randall, Sales, Smith, Stahl, Stoker, Taylor, Vance, Wagner.
Total 20

Excused: None.
Total 0

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Absent or not voting: None.

Total 0

HB 591 - Representative Pease-Lopez moved **HB 591** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Taylor, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Bean, Bennett, Berry, Boniek, Brown, Hawk, Himmelberger, Howard, Ingraham, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Nooney, O'Hara, Peterson, Regier, Roberts, Sales, Smith, Stahl, Stoker, Vance, Wagner, Warburton, Washburn.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 593 - Representative Villa moved **HB 593** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: Boniek, Hawk, Kerns, Lake, Mendenhall, Miller, More, Peterson, Randall, Sales, Smith, Vance, Wagner, Warburton.

Total 14

Excused: None.

Total 0

Absent or not voting: Butcher, McGillvray.

Total 2

HB 602 - Representative Cohenour moved **HB 602** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French,

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Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Ankney, Klock, Mendenhall, Peterson, Vance, Villa.
Total 6

Excused: None.
Total 0

Absent or not voting: Stahl.
Total 1

HB 608 - Representative Sesso moved **HB 608** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Hawk, Howard, Lake, McGillvray, Mendenhall, Reichner, Smith, Vance, Wagner.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 621 - Representative Wilson moved **HB 621** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Arntzen, Boniek, McGillvray, Peterson, Stahl, Taylor.

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Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 23 - Representative Augare moved **HJR 23** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: Bennett, Berry, Boniek, Brown, Hawk, Howard, Ingraham, Kasten, Kerns, Lake, Miller, Peterson, Regier, Sales, Smith, Stahl, Stoker, Warburton, Washburn.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 27 - Representative Wilmer moved **HJR 27** be adopted. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Miller, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 58

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McNutt, Mendenhall, Milburn, Morgan, Nooney, Peterson, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Washburn, Welborn.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 29 - Representative Becker moved **HJR 29** be adopted. Motion carried as follows:

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Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Miller, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 65

Nays: Ankney, Bean, Bennett, Berry, Blasdel, Boniek, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Jones, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Morgan, Nooney, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep Campbell moved to pass consideration **HB 580** for the day. Motion carried.

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 78

Nays: Blasdel, Boniek, Hawk, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, Peterson, Randall, Sales, Smith, Taylor, Vance, Vincent, Welborn.

Total 18

Excused: None.

Total 0

Absent or not voting: French, Himmelberger, MacLaren, Regier.

Total 4

Mr. Speaker announced that the House will recess until 11:40 p.m.

Mr. Speaker called the House to order at 12:40 p.m.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

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SB 8, introduced by Hansen
SB 231, introduced by Laible
SB 257, introduced by Keane
SB 287, introduced by Balyeat
SB 300, introduced by Steinbeisser
SB 305, introduced by Tutvedt
SB 306, introduced by Esp
SB 310, introduced by Shockley
SB 326, introduced by Erickson
SB 337, introduced by Brenden
SB 345, introduced by Tutvedt
SB 349, introduced by Tutvedt
SB 353, introduced by Black
SB 356, introduced by Zinke
SB 361, introduced by Ripley
SB 369, introduced by Esp
SB 391, introduced by Brueggeman
SB 396, introduced by Story
SB 399, introduced by Laslovich
SB 404, introduced by Brueggeman
SB 417, introduced by Keane
SB 424, introduced by Barkus
SB 432, introduced by R. Brown
SB 436, introduced by Gallus
SB 438, introduced by Juneau
SB 441, introduced by Laslovich
SB 449, introduced by Keane
SB 451, introduced by Wanzenried
SB 457, introduced by Branae
SB 470, introduced by Gallus

Senate joint resolutions passed and transmitted to the House for concurrence:

2/24/2009

SJR 20, introduced by Story
SJR 25, introduced by J. Peterson
SJR 26, introduced by Juneau

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 8, introduced by Hansen, referred to Local Government.
SB 231, introduced by Laible, referred to Local Government.
SB 257, introduced by Keane, Ankney, Arntzen, Augare, Barkus, De. Barrett, Becker, Belcourt, Boss Ribs, D. Brown, R. Brown, T. Brown, Campbell, Driscoll, Gallus, Gebhardt, Hiner, Hinkle, Hollenbaugh, Ingraham, Jent, Keane, Klock, Kottel, Laslovich, McClafferty, McGee, McGillvray, Menahan, Miller, Murphy, O'Hara, Perry, J. Peterson, Roundstone, Sands, Schmidt, Sesso, Shockley, Stahl, Steinbeisser, Taylor, Tutvedt, Villa, Vincent, Wanzenried, Warburton, Welborn, Zinke, referred to Federal Relations, Energy, and Telecommunications.
SB 287, introduced by Balyeat, Ankney, R. Brown, Erickson, Gebhardt, Hinkle, Jackson, Jopek, Kaufmann, McGee,

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Mendenhall, More, Shockley, Squires, Steinbeisser, Stewart-Peregoy, Williams, Wilmer, referred to Business and Labor.

SB 300, introduced by Steinbeisser, referred to Agriculture.

SB 305, introduced by Tutvedt, Ankney, Jackson, Laible, Lake, Stahl, Stoker, Tutvedt, referred to Local Government.

SB 306, introduced by Esp, McGee, Tutvedt, referred to Natural Resources.

SB 310, introduced by Shockley, McGee, referred to Local Government.

SB 326, introduced by Erickson, referred to Human Services.

SB 337, introduced by Brenden, Ankney, Bales, Barkus, De. Barrett, T. Brown, Curtiss, Gebhardt, Hinkle, Kasten, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, referred to Fish, Wildlife and Parks.

SB 345, introduced by Tutvedt, referred to Local Government.

SB 349, introduced by Tutvedt, referred to Transportation.

SB 353, introduced by Black, referred to Taxation.

SB 356, introduced by Zinke, referred to Business and Labor.

SB 361, introduced by Ripley, Miller, referred to Taxation.

SB 369, introduced by Esp, referred to Local Government.

SB 391, introduced by Brueggeman, referred to State Administration.

SB 396, introduced by Story, referred to Natural Resources.

SB 399, introduced by Laslovich, referred to Human Services.

SB 404, introduced by Brueggeman, Jent, Barkus, O'Hara, Sesso, B. Beck, Hollandsworth, Jones, referred to Fish, Wildlife and Parks.

SB 417, introduced by Keane, referred to Federal Relations, Energy, and Telecommunications.

SB 424, introduced by Barkus, Ankney, Hands, Wanzenried, Zinke, referred to Federal Relations, Energy, and Telecommunications.

SB 432, introduced by R. Brown, Blewett, Blasdel, referred to Human Services.

SB 436, introduced by Gallus, referred to Fish, Wildlife and Parks.

SB 438, introduced by Juneau, Stewart-Peregoy, Augare, Kottel, referred to Business and Labor.

SB 441, introduced by Laslovich, referred to Judiciary.

SB 449, introduced by Keane, referred to Federal Relations, Energy, and Telecommunications.

SB 451, introduced by Wanzenried, R. Brown, Branae, Moss, Squires, Essmann, Blasdel, Glaser, O'Hara, referred to Natural Resources.

SB 457, introduced by Branae, referred to Transportation.

SB 470, introduced by Gallus, referred to Fish, Wildlife and Parks.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 20, introduced by Story, Ankney, Campbell, J. Peterson, Sales, Williams, referred to Agriculture.

SJR 25, introduced by J. Peterson, Laible, Williams, referred to Education.

SJR 26, introduced by Juneau, Augare, Belcourt, Boss Ribs, Pease-Lopez, Campbell, referred to Human Services.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 218 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin,

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McChesney, McClafferty, McNutt, Mehlhoff, Menahan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 57

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hiner, Hoven, Howard, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 40

Excused: None.

Total 0

Absent or not voting: Ingraham, A. Noonan, O'Hara.

Total 3

HB 431 passed as follows:

Yeas: Ankney, Arntzen, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Morgan, P. Noonan, O'Hara, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Augare, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Hawk, Kerns, Lake, Mendenhall, Milburn, Miller, More, Nooney, Randall, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Welborn.

Total 26

Excused: None.

Total 0

Absent or not voting: A. Noonan, Pease-Lopez.

Total 2

HB 443 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 53

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

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Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 445 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 57

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Washburn, Welborn.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 531 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Brown, Butcher, Campbell, Ebinger, Fleming, French, Furey, Getz, Glaser, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer.

Total 65

Nays: Berry, Boland, Boniek, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollenbaugh, Kasten, Lake, MacDonald, MacLaren, Malek, McAlpin, Menahan, O'Hara, Phillips, Pomnichowski, Reinhart, Sesso, Stahl, Steenson, Stoker, Wagner, Wilson, Wiseman, Mr. Speaker.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 534 passed as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 71

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Glaser, Hawk, Hendrick, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, Morgan, Nooney, Randall, Regier, Reichner, Sales, Smith, Stahl, Stoker, Vincent.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 542 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 99

Nays: Mr. Speaker.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 546 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Vincent, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 55

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Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Washburn, Welborn.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 563 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Glaser, Wagner.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 622 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Boniek, Glaser, More, Stahl, Villa, Wagner.

Total 6

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 628 passed as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 92

Nays: Augare, Belcourt, Caferro, Campbell, Henry, Mendenhall, Wiseman.
Total 7

Excused: None.
Total 0

Absent or not voting: Hoven.
Total 1

HJR 14 adopted as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 81

Nays: Barrett, P. Beck, Becker, Caferro, Dickenson, Driscoll, Hamilton, Hands, Henry, Malek, McAlpin, A. Noonan, Pease-Lopez, Phillips, Pomnichowski, Roundstone, Sands, Sesso, Wiseman.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Rep. Campbell moved that **HB 15** be moved to the Appropriations Committee. Motion carried.
Rep. Campbell moved that **HB 408** be moved to the Appropriations Committee. Motion carried.
Rep. Campbell moved that **HB 425** be moved to the Appropriations Committee. Motion carried.
Rep. Campbell moved that **HB 512** be moved to the Appropriations Committee. Motion carried.

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Rep. Campbell moved that **HB 578** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that **HB 145** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that **HB 580** be moved to the Appropriations Committee. Motion **failed** as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 50

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Wilson moved that **HB 396** be moved from the State Administration Committee and be placed on 2nd reading on the this, the 43rd legislative day. Motion requires 3/5ths majority vote. Motion **failed** as follows.

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 51

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. McChesney moved that **HB 411** be moved from the Natural Resources Committee and be placed on 2nd reading on this, the 43rd legislative day. Motion requires 3/5ths majority vote. Motion carried as follows.

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser,

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Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: Bean, B. Beck, Bennett, Blasdel, Hawk, Hoven, Lake, Mendenhall, Miller, More, Nooney, Peterson, Regier, Roberts, Sales, Sonju, Stoker, Vance, Wagner, Washburn.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. More moved that **HJR 26** be moved from the Judiciary Committee and be placed on 2nd reading on this, the 43rd legislative day. Motion requires 3/5ths majority vote. Motion **failed** as follows.

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wiseman.

Total 51

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Mr. Speaker.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Wilmer moved that **HB 435** be moved from the Business and Labor Committee and be placed on 2nd reading on this, the 43rd legislative day. Motion requires 3/5ths majority vote. Motion **failed** as follows.

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 50

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick,

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Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Boniek moved that **HJR 24** be moved from the Judiciary Committee and be placed on 2nd reading on this, the 43rd legislative day. Motion requires 3/5ths majority vote. Motion **failed** as follows.

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Getz, Glaser, Hawk, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wiseman.

Total 51

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Mr. Speaker.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Caferro moved that **HB 582** be moved from the Business and Labor Committee and be placed on 2nd reading on this, the 43rd legislative day. Motion requires 3/5ths majority vote. Motion **failed** as follows.

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 50

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 50

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Butcher moved that **HB 633** be moved from the Business and Labor Committee and be placed on 2nd reading on this, the 43rd legislative day. Motion requires 3/5ths majority vote. Motion **failed** as follows.

Yeas: Arntzen, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 49

Nays: Ankney, Augare, Barrett, P. Beck, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 51

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Henry moved that **HB 362** be moved from the Judiciary Committee and be placed on 2nd reading on this, the 43rd legislative day. Motion requires 3/5ths majority vote. Motion carried as follows.

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Van Dyk, Villa, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 62

Nays: Arntzen, Bean, B. Beck, Bennett, Boniek, Butcher, Glaser, Hawk, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Sales, Smith, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn, Welborn.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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Rep. Warburton moved that **HB 576** be moved from the State Administration Committee and be placed on 2nd reading on this, the 43rd legislative day.

Rep. Villa moved a substitute motion and that **HB 358** and **HB 576** be moved from the State Administration Committee and be placed on 2nd reading on this, the 43rd legislative day. Motion requires 3/5ths majority vote. Motion **failed** as follows.

Yeas: Barrett, P. Beck, Belcourt, Blewett, Boland, Campbell, Cohenour, Dickenson, Ebinger, French, Furey, Grinde, Hamilton, Hiner, Jopek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Wiseman.
Total 30

Nays: Ankney, Arntzen, Augare, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Caferro, Driscoll, Fleming, Getz, Glaser, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 70

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 576 - Rep. Warburton motion to place **HB 576** on this, the 43rd legislative day. Motion requires 3/5ths majority vote. Motion **failed** as follows.

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Blewett, Boniek, Butcher, Furey, Glaser, Hawk, Hendrick, Hollandsworth, Hoven, Howard, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 51

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hunter, Ingraham, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 48

Excused: None.
Total 0

Absent or not voting: Steenson.
Total 1

Rep. Reinhart moved that **HB 390** be moved from the Business and Labor Committee and be placed on 2nd reading

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on this, the 43rd legislative day. Motion requires 3/5ths majority vote. Motion carried as follows.

Yeas: Augare, Barrett, P. Beck, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wagner, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 61

Nays: Ankney, Arntzen, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Brown, Butcher, Glaser, Hawk, Himmelberger, Hollandsworth, Ingraham, Kerns, Klock, Lake, MacLaren, McNutt, Mendenhall, Milburn, Morgan, Peterson, Randall, Regier, Reichner, Roberts, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Washburn, Welborn.

Total 37

Excused: None.

Total 0

Absent or not voting: Dickenson, Sales.

Total 2

Rep. Henry moved that **HB 596** be moved from the Health and Human Services Committee and be placed on 2nd reading on this, the 43rd legislative day. Motion requires 3/5ths majority vote. Motion **failed** as follows.

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 51

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Campbell moved that **HB 411** be moved to the Appropriations Committee. Motion carried.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Himmelberger in the chair.

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Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 482 - Representative Howard moved **HB 482** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Hands.

Total 1

HB 331 - Representative Morgan moved **HB 331** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 80

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Butcher, Hawk, Hendrick, Himmelberger, Jones, Kasten, Kerns, Lake, Mendenhall, More, Randall, Reichner, Sonju, Stoker, Mr. Speaker.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 592 - Representative Randall moved **HB 592** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth,

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Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Campbell, Hendrick.

Total 2

Excused: None.

Total 0

Absent or not voting: Miller.

Total 1

HB 486 - Representative MacLaren moved **HB 486** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Blasdel, Boniek, Brown, More, Pease-Lopez, Pomnichowski, Sales, Sonju, Wagner.

Total 9

Excused: None.

Total 0

Absent or not voting: Randall.

Total 1

HB 307 - Representative Roberts moved **HB 307** do pass. Motion carried as follows:

HB 307 - Representative Roberts moved **HB 307** be amended as follows:

1. Title, page 1, line 5.

Strike: "IF A"

Insert: "THAT ARE NOT AVAILABLE FROM A COMMUNITY"

Following: "PHARMACY"

Strike: "IS NOT" through "PATIENT'S RESIDENCE"

2. Page 2, line 2.

Following: "dispensing a drug"

Insert: "if"

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Following: "prescribed"

Strike: "if"

Insert: "the drug and verified that"

3. Page 2, line 3.

Following: "from a"

Strike: "pharmacy within 25" through "residence."

Insert: "community pharmacy. A drug dispensed pursuant to this subsection (2)(h) must meet the labeling requirements of the board of pharmacy."

Motion to amend, carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Peterson, Reichner, Sales, Smith, Sonju, Vincent, Warburton.

Total 7

Excused: None.

Total 0

Absent or not voting: Regier.

Total 1

HB 307 - Representative Roberts moved **HB 307** as amended, do pass. Motion carried as follows:

ey, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Miller, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 68

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Hawk, Himmelberger, Hollandsworth, Howard, Ingraham, Kerns, Lake, McGillvray, Mendenhall, Milburn, More, Morgan, O'Hara, Peterson, Regier, Reichner, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Washburn, Welborn.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blasdel, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 79

Nays: Arntzen, B. Beck, Bennett, Boniek, Hawk, Ingraham, Lake, More, Peterson, Sales, Smith, Stoker, Taylor, Vance, Vincent, Wagner.

Total 16

Excused: None.

Total 0

Absent or not voting: Blewett, Himmelberger, Mendenhall, P. Noonan, Warburton.

Total 5

MOTIONS

Rep. Campbell moved that **HB 529** be placed after **HB 545** in today's agenda. Motion carried.

Rep. Campbell moved that **HB 611** be placed after **HB 526** in today's agenda. Motion carried.

**SECOND READING OF BILLS
(COMMITTEE AS THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Himmelberger in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 530 - Representative Arntzen moved **HB 530** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Boniek, More.

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Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 25 - Representative Warburton moved **HJR 25** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 84

Nays: Bennett, Boniek, Hawk, Hoven, Kasten, Kerns, Lake, McNutt, Miller, More, Peterson, Sales, Stoker, Wagner, Mr. Speaker.

Total 15

Excused: None.

Total 0

Absent or not voting: Sonju.

Total 1

HB 623 - Representative Milburn moved **HB 623** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Boniek, Kerns.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 56 - Representative Bean moved **HB 56** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: B. Beck, Bennett, Blasdel, Boniek, Hawk, Jones, Kerns, Lake, McNutt, Mendenhall, Milburn, More, Peterson, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 483 - Representative Jones moved **HB 483** do pass. Motion carried as follows:

HB 483 - Representative Jones moved **HB 483** be amended as follows:

1. Page 1, line 24.

Following: "TO A"

Insert: "material"

2. Page 2, line 17.

Following: "TO A"

Insert: "material"

3. Page 19, line 5.

Following: "TO A"

Insert: "material"

Motion to amend, carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 97

Nays: Dickenson, Roundstone, Wiseman.

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Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 483 - Representative Wilmer moved **HB 483** be amended be amended as follows:

1. Page 1, line 24.

Following: "A"

Insert: "substantive"

Strike: "FEDERAL LAW"

Insert: "the permit or in applicable rule or law"

2. Page 2, line 17.

Following: "A"

Insert: "substantive"

Strike: "FEDERAL LAW"

Insert: "the permit or in applicable rule or law"

3. Page 19, line 5.

Following: "A"

Insert: "substantive"

Strike: "FEDERAL LAW"

Insert: "the permit or in applicable rule or law"

Motion to amend, **failed** as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 50

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 483 - Representative Dickenson moved **HB 483** be amended as follows:

1. Page 2, line 20.

Strike: "the board or"

2. Page 2, line 25.

Strike: "BOARD OR THE"

3. Page 2, line 26.

Strike: "THE BOARD OR"

Motion to amend, **failed** follows:

e, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 49

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 50

Excused: None.

Total 0

Absent or not voting: Barrett.

Total 1

HB 483 - Representative Stoker moved for cloture. Motion carried unanimously.

HB 483 - Representative Jones moved **HB 483** as amended, do pass. Motion carried as follows:

Motion carried as follows

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Campbell, Fleming, French, Getz, Glaser, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Randall, Regier, Reichner, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 71

Nays: Barrett, Becker, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Furey, Grinde, Hamilton, Hands, Hollenbaugh, Kottel, MacDonald, Malek, McAlpin, Menahan, Pomnichowski, Reinhart, Roundstone, Steenson, Van Dyk, Wilmer, Wilson, Wiseman.

Total 28

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Excused: None.
Total 0

Absent or not voting: Peterson.
Total 1

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Campbell moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.
Total 92

Nays: Dickenson, Reinhart, Roundstone, Van Dyk, Wilson.
Total 5

Excused: None.
Total 0

Absent or not voting: Barrett, Berry, A. Noonan.
Total 3

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Himmelberger in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 626 - Representative Welborn moved **HB 626** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

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Nays: More, P. Noonan, Roundstone.
Total 3

Excused: None.
Total 0

Absent or not voting: Berry, Stahl.
Total 2

HB 488 - Representative Jones moved **HB 488** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Bean, Brown, Reichner, Roundstone, Sonju.
Total 5

Excused: None.
Total 0

Absent or not voting: McGillvray.
Total 1

HB 574 - Representative Vincent moved **HB 574** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Roundstone, Wagner.
Total 2

Excused: None.
Total 0

Absent or not voting: Jones, Morgan.

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Total 2

Mr. Speaker assumed the chair.

HB 566 - Representative Jones moved **HB 566** do pass. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 50

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 545 - Representative Vincent moved **HB 545** do pass.

HB 545 - Representative Ingraham moved **HB 545** be amended as follows:

1. Page 2, line 28 through line 30.

Strike: subsection (v) in its entirety

Insert: "(v)(A) subject to subsection (4)(a)(v)(B), one resident taxpayer appointed by each of the three county officials described in subsection (4)(a)(ii).

(B) The appointments in subsection (4)(a)(v)(A) are not mandatory."

Motion to amend, carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: P. Noonan, Roundstone.

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Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 545 - Representative Vincent moved **HB 545** as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Belcourt, Roundstone.

Total 2

Excused: None.

Total 0

Absent or not voting: Sales, Sonju.

Total 2

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Mr. Speaker moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 95

Nays: Lake, Miller, Roundstone, Wilson.

Total 4

Excused: None.

Total 0

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Absent or not voting: Mendenhall.
Total 1

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Himmelberger in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Mr. Speaker assumed the chair.

HB 529 - Representative Jones moved **HB 529** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Cohenour, Ebinger, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Lake, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.
Total 78

Nays: Belcourt, Blewett, Caferro, Campbell, Dickenson, Driscoll, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Kottel, Malek, McAlpin, Menahan, Pomnichowski, Reinhart, Roundstone, Wilmer.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Rep. Warburton rose on a point of personal privilege and stated that she did not appreciate the negative notes and comments floating around about HJR 25 for which she is a sponsor.

Rep. Campbell moved to pass consideration on **HB 526** for the day. Motion carried.
Rep. McGillvray moved to pass consideration on **HR 2** for the day. Motion carried.

HB 611 - Representative Jones moved **HB 611** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Driscoll, Fleming, French, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 58

Nays: Barrett, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Ebinger,

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Furey, Grinde, Hamilton, Hands, Henry, Hiner, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 41

Excused: None.
Total 0

Absent or not voting: Randall.
Total 1

Rep. Villa point of personal privilege to apologize for his last comments, misquoting Rep. Jones.

Rep. Himmelberger reassumed the chair.

HB 418 - Representative Butcher moved **HB 418** do pass.
HB 418 - Representative Furey moved **HB 418** be amended as follows:

1. Title, page 1, line 9 through line 12.
Strike: "PROHIBITING" on line 9 through "REQUIREMENTS;" on line 12

2. Title, page 1, line 13.
Strike: "75-1-201," through "75-5-641,"

3. Page 1, line 18 through page 9, line 15.
Strike: sections 1 through section 7 in their entirety
Renumber: subsequent sections

4. Page 12, line 21 through line 23.
Strike: section 15 in its entirety

Motion to amend, **failed** as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman.
Total 44

Nays: Ankney, Arntzen, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 56

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 418 - Representative Caferro moved **HB 418** be amended as follows:

1. Title, page 1, line 12.

Following: "REQUIREMENTS;"

Insert: "PROVIDING A PREFERENCE FOR MONTANA LABOR;"

2. Page 2, line 21.

Insert: "NEW SECTION. **Section 3. Preference for Montana labor.** Any contract to construct or operate an equine slaughter or processing facility located in Montana and authorized pursuant to 81-9-201 must:

(1) require all contractors to give preference to the employment of bona fide residents of Montana, as defined in 18-2-401, in the performance of the work for construction and operation of the facility if the Montana residents have substantially equal qualifications to those of nonresidents; and

(2) contain a provision that requires the contractor to pay the standard prevailing wage in effect and applicable to the district in which the work is being performed."

Renumber: subsequent sections

3. Page 12, line 21.

Strike: "[Sections 1 and 2]"

Insert: "[Sections 1 through 3]"

4. Page 12, lines 22 through line 23.

Strike: "[sections" on line 22 through "1 and 2]" on line 23

Insert: "[sections 1 through 3]"

Motion to amend, **failed** as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 44

Nays: Ankney, Arntzen, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Campbell, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 418 - Representative Butcher moved **HB 418** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Campbell, French, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Lake, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara,

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Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 67

Nays: Barrett, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Kottel, MacDonald, Malek, McClafferty, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Wiseman.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 613 - Representative Sales moved **HB 613** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Blewett, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 51

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 92

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Nays: Mendenhall, Vincent, Wagner, Wilson.
Total 4

Excused: None.
Total 0

Absent or not voting: Hamilton, Hoven, A. Noonan, Vance.
Total 4

MOTIONS

Rep. Campbell moved **HB 482** be moved to the Appropriations Committee. Motion carried.
Rep. Campbell moved **HB 56** be moved to the Appropriations Committee. Motion carried.
Rep. Campbell moved **HB 611** be moved to the Appropriations Committee. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:00 a.m., Wednesday, February 25, 2009. Motion carried.

House adjourned at 5:50 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FORTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
February 25, 2009

House Chambers
State Capitol

House convened at 8:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. French. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker recognized and thanked the pages for the week.

MOTIONS

Rep. Campbell moved **HB 526** be moved to the Appropriation Committee. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boniek, Boss Ribs, Brown, Butcher, Campbell, Dickenson, Ebinger, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Boland, Caferro, Cohenour, Driscoll, Fleming, Hunter, Malek, McAlpin, Pomnichowski, Steenson.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Mr. Speaker in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 362 - Representative Henry moved **HB 362** do pass.

HB 362 - Representative Henry moved **HB 362** be amended as follows:

1. Title, line 6 through line 7.

Strike: "LIMITING GOVERNMENTAL LIABILITY;"

2. Page 2, line 29.

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Following: "patient care"

Insert: "by a health care provider"

3. Page 3, line 1.

Strike: "protocols"

Insert: "patient care guidelines"

4. Page 3, line 2.

Strike: "protocols"

Insert: "patient care guidelines"

5. Page 4, lines 15 and 16.

Strike: "The"

Insert: "An"

Strike: "must specify the need to allow for"

Insert: "or proclamation may authorize"

6. Page 5, line 15.

Strike: "A"

Insert: "Except as provided in subsection (3), a"

7. Page 5, line 18.

Following: "injury"

Insert: ", as a result of an act or omission arising out of activities undertaken in response to the disaster or emergency,"

8. Page 5.

Following: line 28

Insert: "(3) This section does not apply to a health care provider employed by the United States, a state, or a political subdivision."

9. Page 6, line 3 through line 5.

Strike: section 8 in its entirety

Motion to amend, carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: Bean, Butcher, Hawk, Hendrick, Howard, Ingraham, Lake, McGillvray, Miller, More, Peterson, Smith, Stoker, Vance.

Total 14

Excused: None.

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Total 0

Absent or not voting: McAlpin, Sales.

Total 2

HB 362 - Representative Blewett moved **HB 362** be amended as follows:

1. Title, line 5 through line 7.

Strike: "LIMITING" on line 5 through "LIABILITY;" on line 7

Insert: "PROVIDING FOR REIMBURSEMENT OF JUDGMENTS DUE TO THE PRACTICE OF DISASTER MEDICINE AND PROVIDING A STATUTORY APPROPRIATION FOR PAYMENT OF THOSE JUDGMENTS;"

2. Title, line 7.

Strike: the second "AND"

Following: "10-3-303,"

Insert: "AND 17-7-502,"

3. Page 5, line 14 through line 15.

Strike: "-- limitation of liability"

Following: "sanctions" on line 15

Insert: "-- payment of damages -- appropriation"

4. Page 5, line 15 through line 21.

Strike: subsection (1) in its entirety

Renumber: subsequent subsection

5. Page 5.

Following: line 28

Insert: "(2) The department shall reimburse from the appropriation provided for in this section the cost of any attorney fees incurred by and the cost of any civil judgment against an individual who is not employed by the state or a local governmental entity for damages directly resulting from that practice. The cost of any judgment and fees are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for the purposes of this section."

"Section 7. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-1202; 10-1-1303; 10-2-603; [section 6]; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607;

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19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202; 23-4-204; 23-4-302; 23-4-304; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-1-504; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-1-115; 90-1-205; 90-3-1003; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108 terminates June 30, 2010; pursuant to sec. 17, Ch. 593, L. 2005, the inclusion of 15-31-906 terminates January 1, 2010; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; and pursuant to sec. 6, Ch. 2, Sp. L. September 2007, the inclusion of 76-13-150 terminates June 30, 2009.)"

Renumber: subsequent section

6. Page 6, line 3 through line 5.

Strike: section 8 in its entirety

Motion to amend, **failed** as follows:

Yeas: Berry, Blewett, Howard, Kerns, McAlpin, More, Peterson, Phillips, Sands, Van Dyk, Villa, Wilson, Mr. Speaker.

Total 13

Nays: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman.

Total 87

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 362 - Representative Henry moved **HB 362** as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez,

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Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: Blewett, Hawk, Himmelberger, Hollandsworth, Howard, Ingraham, Kerns, Lake, Miller, More, Peterson, Smith, Stoker, Wagner.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 390 - Representative Reinhart moved **HB 390** do pass.

HB 390 - Representative Reinhart moved **HB 390** be amended as follows:

1. Title, page 1, line 5.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "50-5-101"

Insert: "AND 50-5-103"

2. Page 2.

Following: line 29

Insert: "(13) "Commission for the accreditation of birth centers" means the organization nationally recognized by that name that surveys outpatient birth centers upon their requests and grants accreditation status to outpatient birth centers that it finds meet its standards and requirements."

Renumber: subsequent subsections

3. Page 3, line 28.

Following: "mental health centers,"

Insert: "outpatient birth centers,"

4. Page 8, line 6.

Strike: "(56)"

Insert: "(57)"

5. Page 8.

Following: line 24

Insert: "(3) (a) A patient admitted to an outpatient birth center for labor and delivery must be discharged within 24 hours of the birth in accordance with standards as defined by rule.

(b) An outpatient birth center shall consult with or transfer care to a health care facility in the event of complications to the mother or newborn. If care is transferred to another health care facility, the outpatient birth center shall:

(i) before the transfer, provide notice to the health care facility, including the reason for transfer; and

(ii) during the transfer, provide the medical records related to the patient's condition.

(c) An outpatient birth center must have access to a physician who has admitting privileges at the nearest

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appropriate hospital and who is available 24 hours a day to admit a birth center patient to the hospital in the event of an emergency.

(d) A patient shall participate in decisions regarding referral to other practitioners or other levels of care in the event of complications."

Renumber: subsequent subsections

6. Page 8, line 28.

Following: ";

Strike: "and"

7. Page 8, line 30.

Strike: "health care provider's scope of practice"

Insert: "patient's condition in the event of complications to the mother or newborn; and

(e) identification of accreditation by the commission for the accreditation of birth centers, if applicable, for purposes of meeting the licensing rules and standards as provided in 50-5-103"

8. Page 9.

Following: line 8

Insert: "Section 3. Section 50-5-103, MCA, is amended to read:

"50-5-103. Rules and standards -- accreditation. (1) The department shall adopt rules and minimum standards for implementation of parts 1 and 2.

(2) Any facility covered by this chapter shall comply with the state and federal requirements relating to construction, equipment, and fire and life safety.

(3) The department shall extend a reasonable time for compliance with rules for parts 1 and 2 upon adoption.

(4) Any hospital located in this state that furnishes written evidence required by the department, including the recommendation for future compliance statements to the department of its accreditation granted by the joint commission on accreditation of health care organizations, is eligible for licensure in the state for the accreditation period and may not be subjected to an inspection by the department for purposes of the licensing process. The department may, in addition to its inspection authority in 50-5-116, inspect any licensed health care facility to answer specific complaints made in writing by any person against the facility when the complaints pertain to licensing requirements. Inspection by the department upon a specific complaint made in writing pertaining to licensing requirements is limited to the specific area or condition of the health care facility to which the complaint pertains.

(5) The department may consider as eligible for licensure during the accreditation period any health care facility located in this state, other than a hospital, that furnishes written evidence, including the recommendation for future compliance statements, of its accreditation by the joint commission on accreditation of healthcare organizations. The department may inspect a health care facility considered eligible for licensure under this section to ensure compliance with state licensure standards.

(6) The department may consider as eligible for licensure during the accreditation period any rehabilitation facility that furnishes written evidence, including the recommendation for future compliance statements, of accreditation of its programs by the commission on accreditation of rehabilitation facilities. The department may inspect a rehabilitation facility considered eligible for licensure under this section to ensure compliance with state licensure standards.

(7) The department may consider as eligible for licensure during the accreditation period any outpatient center for surgical services that furnishes written evidence, including the recommendation for future compliance statements, of accreditation of its programs by the accreditation association for ambulatory health care. The department may inspect an outpatient center for surgical services considered eligible for licensure under this section to ensure compliance with state licensure standards.

(8) The department may consider as eligible for licensure during the accreditation period any outpatient birth center that furnishes written evidence, including the recommendation for future compliance statements, of accreditation of its programs by the commission for the accreditation of birth centers. The department may inspect an outpatient birth center considered eligible for licensure under this section to ensure compliance with state licensure

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standards.

~~(8)~~(9) The department may consider as eligible for licensure during the accreditation period any behavioral treatment program, chemical dependency treatment program, residential treatment facility, or mental health center that furnishes written evidence, including the recommendation for future compliance statements, of accreditation of its programs by the council on accreditation. The department may inspect a behavioral treatment program, chemical dependency treatment program, residential treatment facility, or mental health center considered eligible for licensure under this section to ensure compliance with state licensure standards."

"

Renumber: subsequent section

Motion to amend, **failed** as follows:

Yeas: Augare, Barrett, P. Beck, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Howard, Hunter, Jopek, Kottel, Malek, McAlpin, McClafferty, Mehlhoff, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 47

Nays: Ankney, Arntzen, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacDonald, MacLaren, McChesney, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Nooney, O'Hara, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 53

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 390 - Representative Milburn moved **HB 390** be amended as follows:

1. Page 8, line 28.
Strike: "and"

2. Page 8, line 30.
Strike: "."
Insert: ";

3. Page 8, following line 30.

Insert: "(e) a collaborative agreement with a physician who has admitting privileges at the nearest hospital that the physician will take responsibility for the care of an outpatient birth center patient in the event of an emergency admission of the patient to the hospital; and
(f) a transfer arrangement with the hospital requiring:
(i) the outpatient birth center to provide notice to the hospital of the outpatient birth center's delivery schedule;
(ii) the outpatient birth center to provide prior notice to the hospital of a transfer of a patient to the hospital in the event of an emergency; and
(iii) that pertinent health care information will accompany the patient upon transfer to the hospital."

4. Page 9, following line 8.

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Insert: "(5) The department may require by rule that an outpatient birth center be accredited by a nationally recognized birth center accreditation organization."

Motion to amend, **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Jones, Kerns, Klock, Lake, MacDonald, MacLaren, McGillvray, Menahan, Milburn, Miller, More, Nooney, O'Hara, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 48

Nays: Augare, Barrett, P. Beck, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Howard, Hunter, Jopek, Kasten, Kottel, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 51

Excused: None.

Total 0

Absent or not voting: Mendenhall.

Total 1

HB 390 - Representative Reinhart moved **HB 390** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Hamilton, Hands, Hiner, Hollenbaugh, Howard, Hunter, Jopek, Kasten, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wagner, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 52

Nays: Ankney, Arntzen, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Driscoll, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Jones, Kerns, Klock, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Nooney, O'Hara, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Warburton, Washburn, Welborn.

Total 47

Excused: None.

Total 0

Absent or not voting: Henry.

Total 1

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Mr. Speaker moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth,

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Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Bean, Hawk, Lake, McGillvray, Nooney, Regier, Taylor, Vincent.

Total 8

Excused: None.

Total 0

Absent or not voting: McChesney.

Total 1

MOTIONS

Rep. Campbell moved to suspend the rules in order to print amendments for 3rd reading for **HB 362**.

Rep. Campbell moved to suspend the rules on the printing and engrossing in order to place **HB 362** and **HB 390** on 3rd reading for this, the 44th legislative day.

Rep. Van Dyk arose on a point of personal privilege to inform the body that he accidentally voted the wrong way on **HB 425**.

Rep. Van Dyk moved that without objection to change his vote on **HB 425** from a NO to a YES vote. This would not change the outcome of the bill. Motion carried. (New vote total is included in yesterday, the 43rd Legislative day Journal.)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 84 failed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 50

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 50

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 289, introduced by Phillips, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and will be transmitted to the Senate with the following vote:

2/25/2009

Yeas - 51
Nays - 49

HB 289 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hands, Hendrick, Himmelberger, Hollandsworth, Ingraham, Jones, Jopek, Klock, MacLaren, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman.
Total 51

Nays: B. Beck, Bennett, Blasdel, Blewett, Boniek, Brown, Butcher, Campbell, Grinde, Hamilton, Hawk, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Kasten, Kerns, Kottel, Lake, MacDonald, Malek, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Sands, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 49

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 307 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Miller, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 66

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Hawk, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kerns, Lake, McGillvray, Mendenhall, Milburn, More, Morgan, O'Hara, Peterson, Regier, Reichner, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Washburn.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 331 passed as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 83

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Kerns, Lake, More, Reichner, Sonju, Stoker.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 375 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 53

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 402 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts,

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Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Boniek, Hawk, Himmelberger, Hollandsworth, Howard, Kerns, Lake, Stahl, Stoker.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 409 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 82

Nays: Blasdel, Boniek, Butcher, Hawk, Ingraham, Jones, Kasten, Kerns, Lake, Mendenhall, Peterson, Regier, Reichner, Sales, Stoker, Vance, Vincent, Wagner.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 418 passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Campbell, French, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Lake, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 66

Nays: Barrett, Blewett, Boland, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Kottel, MacDonald, Malek, McClafferty, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman.

Total 33

Excused: None.

Total 0

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Absent or not voting: B. Beck.
Total 1

HB 451 passed as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 61

Nays: Ankney, Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, Peterson, Randall, Regier, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.
Total 38

Excused: None.
Total 0

Absent or not voting: Dickenson.
Total 1

HB 453 passed as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 52

Nays: Ankney, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 48

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 466 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Howard, Hunter, Ingraham, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin,

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McChesney, McClafferty, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 58

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Campbell, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Jones, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 483 passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Campbell, Fleming, French, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 68

Nays: Barrett, Becker, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Furey, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Kottel, MacDonald, Malek, McAlpin, Menahan, Pomnichowski, Reinhart, Roundstone, Sands, Steenson, Van Dyk, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 486 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Boniek, Mendenhall, More, Sales, Wagner.

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Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 488 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Bean, Brown, Hamilton.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 504 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Bean, Brown, Butcher, Hawk, Himmelberger, Hollandsworth, Kerns, Lake, Washburn.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 513 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Boniek, Brown, Hawk, Lake, Mendenhall, Miller, Sales, Stoker.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 517 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Butcher, Hawk, Lake, Mendenhall, Milburn, More, Sales, Taylor, Vincent, Wagner, Welborn.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 522 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 61

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Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Hendrick, Himmelberger, Howard, Jones, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 529 passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Getz, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson.

Total 71

Nays: Barrett, Becker, Blewett, Caferro, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Hamilton, Hands, Henry, Hollenbaugh, Jopek, Kottel, Malek, McAlpin, Menahan, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Steenson, Van Dyk, Wilmer, Wiseman, Mr. Speaker.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 530 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Boniek, Brown, Hawk, Lake, More, Sales.

Total 6

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 536 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 82

Nays: Bean, Boniek, Hawk, Himmelberger, Jones, Kerns, Klock, Lake, Mendenhall, Milburn, Miller, Peterson, Stahl, Stoker, Wagner, Warburton, Welborn.
Total 17

Excused: None.
Total 0

Absent or not voting: Blasdel.
Total 1

HB 545 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 557 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth,

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Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Brown, Hawk, Howard, Kerns, Lake, Morgan, Pomnichowski, Stahl.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 572 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 76

Nays: Bean, Bennett, Boniek, Brown, Hawk, Hoven, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, Morgan, Peterson, Randall, Regier, Sales, Smith, Stoker, Taylor, Vincent, Wagner.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 574 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Wagner.

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Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 584 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 82

Nays: Bean, Bennett, Butcher, Hawk, Howard, Kasten, Kerns, Kottel, Lake, McGillvray, Mendenhall, Morgan, Nooney, Randall, Sales, Smith, Stoker, Vance.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 591 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Taylor, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 68

Nays: Bean, Bennett, Berry, Blasdel, Boniek, Brown, Hawk, Himmelberger, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Nooney, O'Hara, Peterson, Randall, Regier, Roberts, Sales, Smith, Stahl, Stoker, Vance, Wagner, Washburn.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 592 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Belcourt, Campbell.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 593 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 75

Nays: Bean, Bennett, Boniek, Hawk, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Roberts, Sales, Smith, Sonju, Stoker, Vance, Wagner, Warburton, Welborn.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 602 passed as follows:

en, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Vincent, Wagner, Warburton, Washburn,

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Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 90

Nays: Ankney, Campbell, Himmelberger, Klock, Mendenhall, Peterson, Reichner, Vance, Villa, Welborn.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 608 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 85

Nays: Bean, Hawk, Howard, Lake, McGillvray, Mendenhall, Milburn, Miller, Nooney, Randall, Reichner, Smith, Stoker, Vance, Wagner.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 613 failed as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 49

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 51

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

HB 621 passed as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Arntzen, Boniek, Howard, Peterson.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 623 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Boniek, Kerns.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 626 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner,

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Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: More, Wagner.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 23 adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 73

Nays: Bean, Bennett, Berry, Boniek, Brown, Butcher, Hawk, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, Mendenhall, Miller, Morgan, Peterson, Regier, Roberts, Sales, Smith, Stoker, Vance, Warburton, Washburn.

Total 26

Excused: None.

Total 0

Absent or not voting: Blasdel.

Total 1

HJR 25 adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Vance, Van Dyk, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

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Nays: Boniek, Kasten, Kerns, McNutt, More, Sales, Sonju, Stoker, Villa, Wagner.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 27 adopted as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 54

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McNutt, Mendenhall, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Washburn, Welborn.
Total 46

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 29 adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 66

Nays: Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Jones, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, Morgan, Nooney, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 362 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Blewett, Hawk, Himmelberger, Howard, Ingraham, Kerns, Lake, Miller, More, Peterson, Stoker, Wagner.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 390 passed as follows:

Yeas: Augare, Barrett, P. Beck, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Howard, Hunter, Jopek, Kasten, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Miller, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 52

Nays: Ankney, Arntzen, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Driscoll, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Jones, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, More, Nooney, O'Hara, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Rep. Stoker rose to apologize on behalf of himself, the Judiciary Committee, and the Minority Leader for shortness of the bills the HJ 24 and HJ 26, his comments are below.

Mr. Speaker

"On behalf of myself, the Minority Leader, the House Judiciary Committee, I want to apologize to you and the body for the mail and phone calls on HJ 24 and HJ 26.

I particularly apologize to those citizens of Montana who came to Helena to testify. The time was shorter than what

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you wanted.

The time constraints the Legislature works under with deadline dates, the number of bills to hear and executive act on those bills is well known to everyone. The introduction dates for HJ 24 and HJ 26 was two days before the deadline, the 72 hour notice was not given.

The one hour and 15 minute hearings limited the testimonies time to 20 minutes for each bill and then executive action was taken. Many bills pass or fail with less time for a hearing.

The patience of the House while we did the two hearings is also appreciated.

Thank you Mr. Speaker."

Mr. Speaker thanked the body for their respect and good first half of the 61st Legislature.

Rep. Mendenhall thanked the body for the first half of the 61st Legislature. He then proceeded to accuse Speaker Bergren of setting a very partisan tone, claiming he is not running things properly here in the House.

Mr. Speaker addressed Rep. Mendenhall's comments.

Representative Campbell moved that the House adjourn until 4:30 p.m., Monday, March 2, 2009. Motion carried.

House adjourned at 9:53 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FORTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
February 26, 2009

House Chambers
State Capitol

The House recessed and did not convene on the 45th Legislative Day.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FORTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
March 2, 2009

House Chambers
State Capitol

House convened at 4:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. MacDonald. Pledge of Allegiance to the Flag.

Roll Call. All members present, except for Rep. Campbell, Rep. Belcourt, Rep. Phillips, Rep. Wilson, excused. Quorum present.

Mr. Speaker introduced the Pages for the week; Jessica Crawford (Rep. Boss Ribs), Katie Hill (Rep. Dickenson), Olivia Roskos (Rep. Blasdel), Alyx Ruzevich (Rep. A. Noonan), Jessie Spotted Eagle (Rep. Boss Ribs), Brant Welborn (Rep. Welborn).

MESSAGES FROM THE SENATE

SB 406, introduced by McGee, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

3/2/2009

Yeas - 26

Nays - 24

SB 333, introduced by Balyeat, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

3/2/2009

Yeas - 27

Nays - 23

SB 442, introduced by Laslovich, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

3/2/2009

Yeas - 45

Nays - 4

SB 348, introduced by Essmann, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

3/2/2009

Yeas - 42

Nays - 8

SB 434, introduced by Gebhardt, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

3/2/2009

Yeas - 44

Nays - 6

House bill concurred in and returned to the House:

3/2/2009

HB 13, introduced by Hunter

Senate bills concurred in and returned to the House:

3/2/2009

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SB 20, introduced by Jent
SB 94, introduced by Jent
SB 199, introduced by Cooney
SB 200, introduced by Erickson
SB 221, introduced by M. Tropila
SB 267, introduced by Hamlett
SB 286, introduced by T. Brown
SB 288, introduced by Hinkle
SB 290, introduced by Jackson
SB 292, introduced by Gebhardt
SB 351, introduced by Essmann
SB 367, introduced by Hamlett
SB 374, introduced by Perry
SB 381, introduced by Perry
SB 382, introduced by Perry
SB 388, introduced by Gillan
SB 398, introduced by Zinke
SB 403, introduced by Gebhardt
SB 407, introduced by Ripley
SB 409, introduced by Brueggeman
SB 411, introduced by Tutvedt
SB 413, introduced by Kaufmann
SB 426, introduced by Laslovich
SB 427, introduced by Laslovich
SB 431, introduced by R. Brown
SB 439, introduced by Story
SB 440, introduced by Gebhardt
SB 444, introduced by Laslovich
SB 445, introduced by Branae
SB 447, introduced by Moss
SB 463, introduced by Wanzenried
SB 468, introduced by Barkus
SB 471, introduced by Cooney
SB 475, introduced by Esp
SB 481, introduced by Barkus
SB 482, introduced by McGee
SB 485, introduced by Juneau

Senate joint resolution concurred in and returned to the House:

3/2/2009

SJR 21, introduced by Curtiss

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments:

3/2/2009

HJR 8, introduced by Kasten

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MESSAGES FROM THE GOVERNOR

February 19, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Speaker Bergren:

Please be informed that I have signed **Senate Bill 39** sponsored by Representative Juneau et al. and **Senate Bill 115** sponsored by Representative Kaufmann on February 19, 2009, and delivered them to the Office of the Secretary of State.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 528, introduced by D. Brown, referred to Judiciary.
HB 637, introduced by Driscoll, referred to Appropriations.
HB 638, introduced by Jones, referred to Appropriations.
HB 639, introduced by Wagner, referred to State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

SB 20, introduced by Jent, referred to State Administration.
SB 94, introduced by Jent, referred to Natural Resources.
SB 199, introduced by Cooney, Kaufmann, Lewis, Cohenour, Miller, Hunter, Hollenbaugh, Caferro, Hiner, Mehlhoff, referred to State Administration.
SB 200, introduced by Erickson, Hands, referred to Natural Resources.
SB 221, introduced by M. Tropila, Laible, referred to Judiciary.
SB 267, introduced by Hamlett, referred to State Administration.
SB 286, introduced by T. Brown, Ankney, Bales, Di. Barrett, Black, Gebhardt, Hinkle, Hoven, K. Peterson, Ripley, Sales, Steinbeisser, Zinke, referred to Agriculture.
SB 288, introduced by Hinkle, Bales, De. Barrett, Black, T. Brown, Curtiss, Gebhardt, Ingraham, J. Peterson, Ripley, Steinbeisser, referred to Judiciary.
SB 290, introduced by Jackson, Ankney, Berry, Boniek, Branae, D. Brown, Cohenour, Erickson, Fleming, Gillan, Hinkle, Jackson, Keane, Lewis, Murphy, Regier, Ripley, Roberts, Steenson, Steinbeisser, J. Tropila, Vincent, Zinke, referred to Federal Relations, Energy, and Telecommunications.
SB 292, introduced by Gebhardt, referred to Taxation.
SB 333, introduced by Balyeat, Ankney, Barkus, De. Barrett, Brenden, R. Brown, T. Brown, Curtiss, Essmann, Gebhardt, Hinkle, Jackson, Steinbeisser, Zinke, referred to Judiciary.
SB 348, introduced by Essmann, Ankney, Mendenhall, Williams, Wilmer, referred to State Administration.

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SB 351, introduced by Essmann, Augare, Reichner, J. Tropila, referred to Business and Labor.
SB 367, introduced by Hamlett, Zinke, referred to State Administration.
SB 374, introduced by Perry, referred to Judiciary.
SB 381, introduced by Shockley, referred to Judiciary.
SB 382, introduced by Shockley, referred to Judiciary.
SB 388, introduced by Gillan, Arntzen, P. Beck, Becker, Branae, Erickson, Fleming, French, Furey, Getz, Gillan, Grinde, Hamlett, Hansen, MacDonald, McChesney, Pomnichowski, Schmidt, Steenson, Stewart-Peregoy, M. Tropila, Van Dyk, Wanzenried, referred to Business and Labor.
SB 398, introduced by Zinke, Steinbeisser, referred to Business and Labor.
SB 403, introduced by Gebhardt, Lewis, Laslovich, A. Noonan, Klock, referred to Federal Relations, Energy, and Telecommunications.
SB 406, introduced by McGee, referred to Judiciary.
SB 407, introduced by Ripley, Steinbeisser, Milburn, referred to Agriculture.
SB 409, introduced by Brueggeman, referred to Transportation.
SB 411, introduced by Tutvedt, referred to Local Government.
SB 413, introduced by Kaufmann, referred to State Administration.
SB 426, introduced by Laslovich, referred to Natural Resources.
SB 427, introduced by Laslovich, referred to Judiciary.
SB 431, introduced by R. Brown, referred to Business and Labor.
SB 434, introduced by Gebhardt, referred to Judiciary.
SB 439, introduced by Story, referred to Human Services.
SB 440, introduced by Gebhardt, Hinkle, Keane, Ankney, referred to Federal Relations, Energy, and Telecommunications.
SB 442, introduced by Laslovich, referred to Human Services.
SB 444, introduced by Laslovich, referred to Business and Labor.
SB 445, introduced by Branae, referred to Human Services.
SB 447, introduced by Moss, Shockley, referred to Judiciary.
SB 463, introduced by Wanzenried, referred to Human Services.
SB 468, introduced by Barkus, Murphy, Ripley, Perry, Jones, Klock, Ankney, referred to Judiciary.
SB 471, introduced by Brueggeman, referred to Transportation.
SB 475, introduced by Esp, referred to Federal Relations, Energy, and Telecommunications.
SB 481, introduced by Barkus, Ankney, Bennett, Kasten, McNutt, Ingraham, Keane, Welborn, Klock, Lewis, Gebhardt, referred to Federal Relations, Energy, and Telecommunications.
SB 482, introduced by McGee, referred to Local Government.
SB 485, introduced by Juneau, referred to Education.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 21, introduced by Curtiss, Ankney, Bennett, Jackson, Laible, McGee, Ripley, referred to Natural Resources.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Tuesday, March 3, 2009. Motion carried.

House adjourned at 4:38 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FORTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
March 3, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Glaser. Pledge of Allegiance to the Flag.

Roll Call. All members present. Except for Rep. Nooney and Rep. Sonju excused. Quorum present.

Rep. Campbell welcomed and recognized all the AARP members in the gallery.

Rep. Steenson recognized a constituent Susan Christofferson who passed away on Feb. 25. She read the following remarks and a moment of silence ensued.

"Susan Christofferson passed away Wednesday, February 25th. In her short 59 years, Susan changed the lives of thousands of children and families around Montana and in the Flathead in particular. In 1978 she founded the Nurturing Center after merging the Child Abuse Prevention Center and the Glacier Community Coordinated Childcare. She was a tireless advocate for children and parent education. In the 1980's she came to Helena and helped legislators create funds to allow the state to connect, regulate and train childcare providers. She was also a close friend and mentor. I ask that we honor her and her life's work with a moment of silence."

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Himmelberger, Chairman):

3/3/2009

SB 72, be concurred in. Report adopted.

SB 219, be concurred in. Report adopted.

SB 252, be concurred in. Report adopted.

SJR 14, be concurred in. Report adopted.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNutt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJR 8 - Senate Amendments - Representative Kasten moved Senate amendments to **HJR 8** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 94

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Nays: Regier, Sales, Mr. Speaker.
Total 3

Excused: Nooney, Sonju.
Total 2

Absent or not voting: Belcourt.
Total 1

HR 2 - Representative McGillvray moved **HR 2** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 86

Nays: B. Beck, Bennett, Hawk, Himmelberger, Kasten, Kerns, More, P. Noonan, Sales, Smith, Wagner.
Total 11

Excused: Belcourt, Nooney, Sonju.
Total 3

Absent or not voting: None.
Total 0

SB 2 - Representative Villa moved **SB 2** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: None.
Total 0

Excused: Belcourt, Nooney, Sonju.
Total 3

Absent or not voting: None.

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Total 0

SB 29 - Representative Hiner moved **SB 29** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman.

Total 81

Nays: B. Beck, Berry, Boniek, Brown, Hendrick, Mendenhall, Miller, More, Peterson, Randall, Smith, Stahl, Vance, Wagner, Washburn, Mr. Speaker.

Total 16

Excused: Belcourt, Nooney, Sonju.

Total 3

Absent or not voting: None.

Total 0

SB 43 - Representative Wiseman moved **SB 43** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman.

Total 85

Nays: B. Beck, P. Beck, Hendrick, McGillvray, Mendenhall, Peterson, Roberts, Sales, Smith, Wagner, Welborn, Mr. Speaker.

Total 12

Excused: Belcourt, Nooney, Sonju.

Total 3

Absent or not voting: None.

Total 0

SB 48 - Representative Lake moved **SB 48** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake,

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MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 88

Nays: Boniek, Himmelberger, Mendenhall, More, Sales, Smith, Stahl, Wagner, Mr. Speaker.

Total 9

Excused: Belcourt, Nooney, Sonju.

Total 3

Absent or not voting: None.

Total 0

SB 125 - Representative Stoker moved **SB 125** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 96

Nays: Mr. Speaker.

Total 1

Excused: Belcourt, Nooney, Sonju.

Total 3

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 95

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Nays: Mr. Speaker.
Total 1

Excused: Belcourt, Nooney, Sonju.
Total 3

Absent or not voting: McNutt.
Total 1

MOTIONS

Rep. Campbell moved that **SB 306** be moved from the Natural Resource Committee to the Local Government Committee. Motion carried.

ANNOUNCEMENTS

At Chairman Steele's request, the State of Tribal Nations address has been postponed to March 10th.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Wednesday, March 4, 2009. Motion carried.

House adjourned at 1:32 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FORTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
March 4, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Hamilton. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Rep. Belcourt, Rep. Nooney and Rep. Sonju, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Stoker, Chairman):

3/4/2009

SB 35, be concurred in. Report adopted.

SB 40, be amended as follows:

1. Title, line 6.

Following: ";;"

Insert: "REQUIRING A FINDING THAT THERE IS A PERSON WILLING AND ABLE TO SERVE AS A FRIEND OF RESPONDENT AND CONSENT OF THE RESPONDENT PRIOR TO APPOINTMENT OF A FRIEND OF RESPONDENT;"

2. Title, line 7.

Following: "RESPONDENT"

Insert: "AT THE REQUEST OF THE RESPONDENT OR"

3. Page 4, line 2.

Strike: "and a friend of respondent"

4. Page 4, lines 6 and 7.

Strike: "The desires" on line 6 through "respondent" on line 7 **Insert:** "If the court finds that an appropriate person is willing and able to perform the functions of a friend of respondent as set out in this part and the respondent personally or through counsel consents, the court shall appoint the person as the friend of respondent"

5. Page 4, lines 8 and 9.

Strike: "to perform the functions of a friend of respondent set out in this part"

6. Page 4, line 12.

Following: the second "respondent"

Insert: "at the request of the respondent or"

And, as amended, be concurred in. Report adopted.

SB 140, be concurred in. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman):

3/4/2009

SB 78, be concurred in. Report adopted.

SB 98, be concurred in. Report adopted.

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SB 215, be concurred in. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

3/4/2009

SB 90, be concurred in. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 640, introduced by A. Noonan, French, Roundstone, Hands, Caferro, Cohenour, McAlpin, Bergren, referred to Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Phillips in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 23 - Rep. Campbell moved to place **SB 23** at the bottom of the agenda for the purposes of an amendment. Motion carried.

SB 24 - Representative Ingraham moved **SB 24** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 94

Nays: Becker, Jopek, MacDonald, Mr. Speaker.
Total 4

Excused: Belcourt, Sonju.
Total 2

Absent or not voting: None.
Total 0

SB 74 - Representative Arntzen moved **SB 74** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald,

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MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 97

Nays: Mr. Speaker.

Total 1

Excused: Belcourt, Sonju.

Total 2

Absent or not voting: None.

Total 0

SB 116 - Representative P. Noonan moved **SB 116** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 95

Nays: Mendenhall, Sales, Mr. Speaker.

Total 3

Excused: Belcourt, Sonju.

Total 2

Absent or not voting: None.

Total 0

SB 181 - Representative Lake moved **SB 181** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 97

Nays: Mr. Speaker.

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Total 1

Excused: Belcourt, Sonju.

Total 2

Absent or not voting: None.

Total 0

SJR 13 - Representative Augare moved **SJR 13** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 85

Nays: Boniek, Hawk, Kasten, Kerns, Lake, MacLaren, Mendenhall, Miller, Peterson, Randall, Sales, Stoker, Mr. Speaker.

Total 13

Excused: Belcourt, Sonju.

Total 2

Absent or not voting: None.

Total 0

SB 23 - Rep. Campbell moved to pass consideration on **SB 23** for the day. Motion carried.

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 89

Nays: B. Beck, Mendenhall, Sales, Vance, Mr. Speaker.

Total 5

Excused: Belcourt, Nooney, Sonju.

Total 3

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Absent or not voting: Howard, P. Noonan, Randall.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJR 8 as amended by Senate, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Himmelberger, Regier, Sales.
Total 3

Excused: Belcourt, Nooney, Sonju.
Total 3

Absent or not voting: None.
Total 0

SB 2 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 95

Nays: Butcher, Mr. Speaker.
Total 2

Excused: Belcourt, Nooney, Sonju.
Total 3

Absent or not voting: None.
Total 0

SB 29 concurred in as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 82

Nays: B. Beck, Berry, Boniek, Hendrick, Kerns, Lake, Mendenhall, Miller, More, Peterson, Randall, Smith, Vance, Mr. Speaker.

Total 14

Excused: Belcourt, Nooney, Sonju.

Total 3

Absent or not voting: Sales.

Total 1

SB 43 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, Becker, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman.

Total 79

Nays: B. Beck, P. Beck, Bennett, Boniek, Butcher, Hendrick, Kasten, Kerns, McGillvray, Mendenhall, Miller, Peterson, Roberts, Sales, Smith, Wagner, Mr. Speaker.

Total 17

Excused: Belcourt, Nooney, Sonju.

Total 3

Absent or not voting: Welborn.

Total 1

SB 48 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

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Total 89

Nays: Boniek, Himmelberger, Kerns, Mendenhall, More, Sales, Mr. Speaker.

Total 7

Excused: Belcourt, Nooney, Sonju.

Total 3

Absent or not voting: Boland.

Total 1

SB 125 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 95

Nays: Mr. Speaker.

Total 1

Excused: Belcourt, Nooney, Sonju.

Total 3

Absent or not voting: Boland.

Total 1

MOTIONS

Rep. Campbell moved that **SB 273** be moved from the Transportation Committee to the Education Committee. Motion carried.

Rep. Campbell moved that **SB 427** be moved from the Judiciary Committee to the Natural Resources Committee. Motion carried.

ANNOUNCEMENTS

Rep. D. Brown announced that after session tomorrow legislative services will be in the House chambers to discuss HB 2.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Thursday, March 5, 2009. Motion carried.

House adjourned at 1:30 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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**HOUSE JOURNAL
61ST LEGISLATURE
FORTY-NINTH LEGISLATIVE DAY**

Helena, Montana
March 5, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. B. Beck. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Rep. Belcourt, Rep. Nooney, Rep. Pomnichowski. Quorum present.

Rep. Wiseman announced that the explosion in Bozeman, Montana, occurred because of a gas leak and that it destroyed 3 buildings. Thankfully no one was hurt and he expressed thanks to the Governors office for pledging any and all support needed.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman): 3/5/2009
SB 161, be concurred in. Report adopted.

EDUCATION (Grinde, Chairman): 3/5/2009
HB 459, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "APPROPRIATION;"

Insert: "REQUIRING A REPORT TO THE LEGISLATURE;"

2. Page 2, line 16.

Insert: "NEW SECTION. Section 3. Report to legislature. The program director shall report to the 63rd legislature on how the appropriation in [section 2] was spent."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 459, introduced bill, be amended as follows:

1. Page 1.

Following: line 19

Insert: "(b) Montana state university-Bozeman;"

Renumber: subsequent subsections

2. Page 1.

Following: line 22

Insert: "(f) parent of a pupil;"

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SJR 2, be concurred in. Report adopted.

SJR 8, be concurred in. Report adopted.

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JUDICIARY (Stoker, Chairman):

3/5/2009

HB 318, introduced bill, be amended as follows:

1. Page 1, line 15.

Strike: "and"

Insert: "or"

2. Page 1, line 19.

Following: "bank,"

Insert: "agent of a bank,"

3. Page 2.

Following: line 1

Insert: "(3) "Principal amount of the debt" means the total amount of debt of an individual at the time the individual is accepted into a debt settlement program."

4. Page 2, line 4.

Following: "maintain"

Insert: "insurance"

5. Page 2, line 6.

Following: ". "

Insert: "The debt settlement provider shall, at the request of the attorney general, make available to the attorney general proof of the insurance coverage required by this subsection (1)(a)."

6. Page 2, line 13.

Strike: "In addition" through "include"

Insert: "The annual filing by the debt settlement provider must be accompanied by a filing fee of \$750 and must include, in addition to the financial statement, the following"

7. Page 2, line 21.

Following: "(3)"

Insert: "(a)"

Strike: "is required to"

Insert: "shall"

8. Page 2, lines 22 through 24.

Following: "debtor,"

Strike: remainder of line 22 through "settlement." on line 24

Insert: "that:

(i) there will be fees charged by the debt settlement provider and shall disclose the type and amount of all of those fees;

(ii) the settlement of debts through a debt settlement program might have an impact on the debtor's credit history;

(iii) there may be tax consequences for the debtor as a result of a debt settlement;

(iv) collection activity by the creditor for a debt may continue until the creditor accepts a settlement for that debt;

(v) any settlement amount is an estimate based on the experience of prior customers and is not guaranteed to be accepted by the creditor;

(vi) a creditor may not be forced to accept a proposed settlement;

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(vii) the debtor is required to meet certain savings goals in order to maximize settlement opportunities;
(viii) the debt settlement provider does not provide legal, accounting, tax, or bankruptcy advice or assistance;
(ix) the debt settlement provider will not use a payment made by the debtor to make a payment to a creditor;
and
(x) debt settlement may not be the only option available to the debtor.
(b)"

9. Page 2, line 24.

Strike: "16-point"

Insert: "12-point"

10. Page 2, lines 28 through 29.

Strike: "or accept" on line 28 through "is" on line 29

11. Page 2, line 30.

Following: "fees"

Insert: ", other than setup fees,"

Strike: "are"

Insert: "is"

12. Page 3, line 1.

Following: "debt"

Strike: ";

Insert: ". No more than 5% of the principal amount of the debt may be charged as a setup fee."

13. Page 3, line 12.

Strike: "in connection with the debt settlement provider's activities"

Insert: "for performing debt settlement services"

14. Page 3, line 15.

Following: "agents"

Insert: ", affiliates, or contractors"

15. Page 3, line 16.

Following: "debtor"

Insert: ", a company acting on behalf of the debtor or the debtor's debt settlement provider,"

16. Page 3, line 19.

Strike: "actual services are provided"

Insert: "a written debt settlement services contract has been executed by the debtor containing a schedule of fees in the actual amount to be charged the debtor and stating when those fees will be charged"

17. Page 3, line 21.

Strike: "or"

18. Page 3, line 23.

Following: "plan"

Insert: "; or

(n) violate the provisions of any applicable state or federal do-not-call registry or Title 30, chapter 14, part

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5"

19. Page 3, line 24 through line 25.

Following: "debtor"

Strike: remainder of line 24 through line 25 in its entirety

Insert: "before the contract is completed, the debt settlement provider shall, on request of the debtor, refund 50% of any collected but unrefunded service fee on a pro rata basis for those accounts that have not received a settlement offer by the time of the cancellation. Fees associated with the setup of a debt settlement service contract are not required to be refunded."

And, as amended, do pass. Report adopted.

SB 91, be concurred in. Report adopted.

SB 103, be concurred in. Report adopted.

SB 157, be concurred in. Report adopted.

SB 160, be concurred in. Report adopted.

SB 256, be concurred in. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

3/5/2009

SB 155, be concurred in. Report adopted.

SB 170, be amended as follows:

1. Page 1, line 29.

Following: "of"

Insert: "the following:

(a) meals, not including alcoholic beverages, when the actual cost exceeds the maximum established in subsection (4)(a); and

(b)"

2. Page 2, line 10.

Following: "for"

Insert: "meal and"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

3/5/2009

SB 322, introduced by Curtiss

SB 464, introduced by Laslovich

SB 476, introduced by Shockley

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 641, introduced by A. Noonan, Driscoll, Hands, Wilmer, Wiseman, referred to Federal Relations, Energy, and

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Telecommunications.

HB 642, introduced by French, Campbell, Cohenour, referred to Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

SB 322, introduced by Curtiss, referred to Agriculture.

SB 464, introduced by Laslovich, Gallus, Keane, Villa, Hiner, Sesso, P. Noonan, A. Noonan, referred to Federal Relations, Energy, and Telecommunications.

SB 476, introduced by Shockley, referred to Judiciary.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 24 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Becker, Jopek, MacDonald, Pease-Lopez.
Total 4

Excused: Belcourt, Nooney, Pomnichowski.
Total 3

Absent or not voting: None.
Total 0

SB 74 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 95

Nays: Sales, Mr. Speaker.
Total 2

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Excused: Belcourt, Nooney, Pomnichowski.
Total 3

Absent or not voting: None.
Total 0

SB 116 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Mendenhall.
Total 1

Excused: Belcourt, Nooney, Pomnichowski.
Total 3

Absent or not voting: None.
Total 0

SB 181 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Boniek, Sales.
Total 2

Excused: Belcourt, Nooney, Pomnichowski.
Total 3

Absent or not voting: Klock.
Total 1

SJR 13 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland,

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Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Boniek, Hawk, Kasten, Kerns, Lake, Mendenhall, Peterson, Randall, Roberts, Sales.

Total 10

Excused: Belcourt, Nooney, Pomnichowski.

Total 3

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

HB 2 - Discussion is scheduled for March 16 and 17.

HB 2a - Discussion is scheduled for March 24.

Mr. Speaker directed Stg.-at-Arms Tensley to escort the special guests from Rocky Mountain Pre-School into the House Chambers.

Sgt.-at-Arms Tensley introduced Rocky Mountain Pre-School and escorted them into the chambers.

Rocky Mountain Pre-School sang a song, recited the opening of the constitution, and recited the ABC's forward and backwards.

Rocky Mountain Pre-School was escorted from the House Chambers by Sgt.-at-Arms Tensley.

Mr. Speaker thanked our special guests.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Randall in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 18 - Representative Hiner moved **SB 18** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 98

Nays: None.

Total 0

Excused: Nooney, Pomnichowski.

Total 2

Absent or not voting: None.

Total 0

SB 23 - Representative Taylor moved **SB 42** be concurred in.

SB 23 - Representative Stahl moved **SB 23**, second reading copy, be amended as follows:

1. Title, line 7.

Following: "GRANTS;"

Insert: "PROVIDING FOR A STATUTORY APPROPRIATION;"

2. Title, line 8.

Following: "15-36-332,"

Insert: "17-7-502,"

3. Page 12, line 18.

Insert: "**Section 5.** Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202; 23-4-204; 23-4-302; 23-4-304; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-1-504; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-1-115; 90-1-205; 90-3-1003; 90-6-1001; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May

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2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108 terminates June 30, 2010; pursuant to sec. 17, Ch. 593, L. 2005, the inclusion of 15-31-906 terminates January 1, 2010; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; and pursuant to sec. 6, Ch. 2, Sp. L. September 2007, the inclusion of 76-13-150 terminates June 30, 2009.)""

4. Page 12, line 25.

Strike: "allocated"

Insert: "statutorily appropriated, as provided in 17-7-502,"

5. Page 12, line 26.

Following: "2-15-1821"

Insert: "until December 31, 2012, and after that date the money in the account is allocated to the coal board"

Amendment **failed** as follows:

Yeas: Ankney, B. Beck, Bennett, Berry, Boniek, Brown, Getz, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, McChesney, Mendenhall, Milburn, More, O'Hara, Peterson, Regier, Roberts, Sales, Smith, Stahl, Stoker, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 32

Nays: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jopek, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Miller, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Randall, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Taylor, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 63

Excused: Belcourt, Nooney, Pomnichowski.

Total 3

Absent or not voting: Butcher, Morgan.

Total 2

SB 23 - Representative Taylor moved **SB 23** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Mendenhall, Stahl, Wagner.

Total 3

Excused: Nooney.

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Total 1

Absent or not voting: None.

Total 0

SB 42 - Representative Hunter moved **SB 42** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Vance, Van Dyk, Villa, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Ankney, Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Hendrick, Hoven, Ingraham, Kasten, Kerns, Lake, Mendenhall, Miller, More, Randall, Roberts, Sales, Stahl, Stoker, Taylor, Wagner, Warburton, Washburn, Welborn.

Total 27

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 53 - Representative K. Peterson moved **SB 53** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: Brown, Hawk, Hendrick, Hoven, Kasten, Kerns, Lake, Miller, Reichner, Sales, Sonju, Taylor.

Total 12

Excused: Nooney.

Total 1

Absent or not voting: Himmelberger.

Total 1

SB 88 - Representative MacDonald moved **SB 88** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss

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Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Bean, Bennett, Boniek, Brown, Hawk, Kerns, Lake, Mendenhall, Miller, Wagner, Washburn, Welborn.

Total 12

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 117 - Representative Kasten moved **SB 117** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 130 - Representative Kerns moved **SB 130** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 98

Nays: Ankney.

Total 1

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 152 - Representative Kottel moved **SB 152** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Hawk.

Total 1

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Randall moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Sales, Sonju, Stahl.

Total 3

Excused: Belcourt, Nooney, Pomnichowski.

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Total 3

Absent or not voting: Mehlhoff.

Total 1

ANNOUNCEMENTS

Rep. De. Brown announced that legislative services division will help explain HB 2 directly after session today.

Rep. Glaser rose on a point of personal privilege.

Rep. Campbell rose on a point of personal privilege.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Friday, March 6, 2009. Motion carried.

House adjourned at 2:06 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FIFTIETH LEGISLATIVE DAY**

Helena, Montana
March 6, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Van Dyk. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Rep. Nooney, excused. Quorum present.

Rep. French introduced Jason Deshaw, a native Montana country singer songwriter. He preformed a song for the body.

Rep. Pomnichowski updated the body on the Bozeman explosion and fire that destroyed 5 buildings and gave praise to all who were involved in the emergency response effort.

Mr. Speaker recognized and thanked the pages for the week.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 18 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 23 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan,

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Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Mendenhall, Sales, Wagner.
Total 3

Excused: Nooney.
Total 1

Absent or not voting: None.
Total 0

SB 42 concurred in as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 70

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hoven, Ingraham, Kasten, Kerns, Lake, Mendenhall, Miller, More, Randall, Roberts, Sales, Smith, Sonju, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 28

Excused: Nooney.
Total 1

Absent or not voting: Stahl.
Total 1

SB 53 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 79

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Hawk, Hendrick, Hoven, Howard, Kasten, Kerns, Lake, Mendenhall, Miller, Randall, Reichner, Sales, Sonju, Vincent, Welborn.
Total 20

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Excused: Nooney.
Total 1

Absent or not voting: None.
Total 0

SB 88 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 89

Nays: Bennett, Brown, Hawk, Kerns, Lake, MacLaren, Mendenhall, More, Wagner.
Total 9

Excused: Nooney.
Total 1

Absent or not voting: Klock.
Total 1

SB 117 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: Nooney.
Total 1

Absent or not voting: None.
Total 0

SB 130 concurred in as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Bolland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 152 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Bolland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Hawk, Sales.

Total 2

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

COMMUNICATIONS AND PETITIONS

The House journals from legislative days 24 - 35 have been found to be correct and have been filed with the Secretary of State

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Jopek, Chairman):

3/6/2009

HB 290, do pass. Report adopted.

STATE INTERNET/BBS COPY

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HB 416, do pass. Report adopted.

HB 478, do pass. Report adopted.

BUSINESS AND LABOR (Wilson, Chairman):

3/6/2009

SB 47, be amended as follows:

1. Title, page 1, line 5.

Strike: "ALLOW"

Insert: "REQUIRE"

2. Page 1, line 17.

Following: "(1)"

Insert: "(a)"

Strike: "The"

Insert: "Except as provided in subsection (1)(b), the"

Strike: "may"

Insert: "shall"

3. Page 1, line 19.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

4. Page 1.

Following: line 25

Insert: "(b) A denial is not required pursuant to subsection (1)(a)(ii) if the department finds that the applicant dismissed the employee promptly upon learning of the employee's conviction involving fraud or financial dishonesty or of civil judgments involving fraudulent or dishonest financial dealings by the employee."

And, as amended, be concurred in. Report adopted.

SB 54, be amended as follows:

1. Title, page 1, line 6.

Strike: "ALLOW"

Insert: "REQUIRE"

2. Page 1, line 22.

Following: "(1)"

Insert: "(a)"

Strike: "The"

Insert: "Except as provided in subsection (1)(b), the"

Strike: "may"

Insert: "shall"

3. Page 1, line 24.

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Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

4. Page 2.

Following: line 8

Insert: "(b) A denial is not required pursuant to subsection (1)(a)(ii) if the department finds that the applicant dismissed the employee promptly upon learning of the employee's conviction involving fraud or financial dishonesty or of civil judgments involving fraudulent or dishonest financial dealings by the employee."

And, as amended, be concurred in. Report adopted.

JUDICIARY (Stoker, Chairman):

3/6/2009

SB 182, be concurred in. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman):

3/6/2009

HB 449, introduced bill, be amended as follows:

1. Title, line 10.

Following: "WATER AND SEWER DISTRICT;"

Insert: "CLARIFYING THE LEVY OF DISTRICT WATER OR SEWER TAX TO PAY EXPENSES OF OR CLAIMS AGAINST THE DISTRICT;"

2. Title, line 11.

Following: "CLARIFYING THE"

Insert: "ACCOUNTS FOR DEPOSIT OF PROCEEDS OF, AND THE"

3. Title, line 12.

Following: "PREMIUMS ON"

Insert: ", "

4. Title, line 16.

Following: "7-13-2301,"

Insert: "7-13-2302,"

5. Page 3, line 28 through line 29.

Strike: lines 28 and 29 in their entirety

Insert: "the owners of property in the proposed district to be assessed for more than 50% of the cost of the proposed program or improvements as determined by the method or methods of assessment described in the resolution of intention"

6. Page 7.

Following: line 7

Insert: "**Section 7.** Section 7-13-2302, MCA, is amended to read:

"7-13-2302. Levy of taxes to meet bond obligations and other expenses. (1) If for any reason the revenue of the district is inadequate to pay the interest or principal of any bonded debt as it becomes due, exclusive of revenue or special assessment bonded indebtedness incurred pursuant to 7-13-2333 or bonded indebtedness incurred to refund the revenue or special assessment bonded indebtedness without authorization at an election, or any other expenses or claims against the district, then the board of directors shall, at least 15 days before the first day of the

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month in which the board of county commissioners of the county, city and county, or counties in which the district is located are required by law to levy the amount of taxes required for county or city and county purposes, furnish to the board or boards of county commissioners and to the auditor or auditors, respectively, an estimate in writing:

(a) of the amount of money required by the district for the payment of the principal of or interest on any bonded debt as it becomes due;

(b) of the amount of money required to establish reasonable reserve funds for either purpose, together with a description of the lands benefited by the bonds, as stated by the board of directors in the resolution declaring the necessity to incur bonded indebtedness; and

(c) of the amount of money required by the district for any other purpose set forth in this section.

(2) The board of county commissioners of the county or city and county, annually, at the time and in the manner of levying other county or city and county taxes, shall:

(a) until any bonded debt is fully paid, levy upon the benefited lands and collect the proportionate share to be borne by the land located in their county of a tax sufficient for the payment of the bonded debt, to be known as the district bond tax; and

(b) until all other expenses or claims are fully paid, levy upon all of the lands of the district and collect the proportionate share to be borne by the land located in their county of a tax sufficient for the payment of the ~~bonded debt~~ other expenses or claims, to be known as the district water and/or sewer tax.

(3) Taxes for the payment of any bonded debt must be levied on the property benefited, as stated by the board of directors in the resolution declaring the necessity for the bonds, and all taxes for other purposes must be levied on all property in the territory comprising the district."

Renumber: subsequent sections

7. Page 8, line 8.

Following: "projects account"

Insert: "or in a separate general obligation bond or note account created in the state special revenue fund established in 17-2-102"

And, as amended, do pass. Report adopted.

SB 255, be concurred in. Report adopted.

SB 262, be concurred in. Report adopted.

SB 296, be concurred in. Report adopted.

SB 390, be concurred in. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

3/6/2009

SB 49, be amended as follows:

1. Title, page 1, line 7.

Following: "AN"

Insert: "IMMEDIATE EFFECTIVE DATE AND AN"

2. Page 2, line 17.

Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

SB 196, be concurred in. Report adopted.

SB 331, be concurred in. Report adopted.

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FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 643, introduced by Furey, Caferro, Fleming, French, McAlpin, referred to Appropriations.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Belcourt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 35 - Representative Driscoll moved **SB 35** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.
Total 96

Nays: None.
Total 0

Excused: Nooney.
Total 1

Absent or not voting: Himmelberger, Van Dyk, Wilson.
Total 3

SB 40 - Representative Kottel moved **SB 40** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Mendenhall, More, Reichner, Wagner.
Total 4

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Excused: Nooney.
Total 1

Absent or not voting: McNutt.
Total 1

SB 78 - Representative Ingraham moved **SB 78** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 93

Nays: B. Beck, Reichner, Sales, Sonju, Vincent, Mr. Speaker.
Total 6

Excused: Nooney.
Total 1

Absent or not voting: None.
Total 0

SB 90 - Representative Ingraham moved **SB 90** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: McAlpin.
Total 1

Excused: Nooney.
Total 1

Absent or not voting: None.
Total 0

SB 98 - Representative MacLaren moved **SB 98** be concurred in. Motion carried as follows:

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Yeas: Arntzen, Augare, Barrett, P. Beck, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kasten, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 54

Nays: Ankney, Bean, B. Beck, Becker, Bennett, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, O'Hara, Peterson, Pomnichowski, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 45

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 140 - Representative Menahan moved **SB 140** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 68

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Hawk, Hollandsworth, Howard, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Vance, Vincent, Wagner, Welborn.

Total 31

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 215 - Representative Menahan moved **SB 215** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 96

Nays: Hawk, Kasten, Sales.

Total 3

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Belcourt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss, Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Boniek, Miller, Sales, Vincent.

Total 4

Excused: Nooney.

Total 1

Absent or not voting: Arntzen, B. Beck.

Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 10:30 a.m., Saturday, March 7, 2009. Motion carried.

House adjourned at 2:14 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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61ST LEGISLATURE
FIFTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 7, 2009

House Chambers
State Capitol

House convened at 10:50 a.m. Mr. Speaker in the Chair. Invocation by Rep. Randall. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives, Berry, Boss Ribs, D. Brown, Hands, Howard, MacDonald, McAlpin, Nooney, Reichner and Wilmer excused. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 35 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: None.

Total 0

Excused: Berry, Boss Ribs, Brown, Nooney.

Total 4

Absent or not voting: None.

Total 0

SB 40 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Boniek, Mendenhall, More, Sales, Sonju, Vincent.

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Total 6

Excused: Berry, Boss Ribs, Brown, Nooney.

Total 4

Absent or not voting: None.

Total 0

SB 78 passed as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: B. Beck, Boniek, Randall, Reichner, Sales, Sonju.

Total 6

Excused: Berry, Boss Ribs, Brown, Nooney.

Total 4

Absent or not voting: Ankney.

Total 1

SB 90 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: None.

Total 0

Excused: Berry, Boss Ribs, Brown, Nooney.

Total 4

Absent or not voting: None.

Total 0

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SB 98 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 63

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Hawk, Himmelberger, Hollandsworth, Howard, Ingraham, Kerns, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Pomnichowski, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Vance, Vincent, Wagner, Warburton, Washburn.

Total 33

Excused: Berry, Boss Ribs, Brown, Nooney.

Total 4

Absent or not voting: None.

Total 0

SB 140 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 66

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Himmelberger, Hollandsworth, Howard, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Vance, Vincent, Wagner, Welborn.

Total 30

Excused: Berry, Boss Ribs, Brown, Nooney.

Total 4

Absent or not voting: None.

Total 0

SB 215 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa,

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Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Boniek, Hawk, Kasten, Lake, Sales.
Total 5

Excused: Berry, Boss Ribs, Brown, Nooney.
Total 4

Absent or not voting: None.
Total 0

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 3/7/2009

SB 327, introduced by Curtiss
SB 425, introduced by Bales
SB 497, introduced by Shockley

Senate joint resolutions passed and transmitted to the House for concurrence: 3/7/2009

SJR 28, introduced by J. Peterson
SJR 29, introduced by Moss

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 644, introduced by Sesso, A. Noonan, Gallus, Laslovich, Hiner, Villa, P. Noonan, Keane, McClafferty, referred to Appropriations.

The following Senate bills were introduced, read first time, and referred to committees:

SB 327, introduced by Curtiss, Arntzen, Bales, B. Beck, Bennett, Blasdel, Boniek, Butcher, Himmelberger, Hinkle, Jackson, Kerns, McGee, McGillvray, Mendenhall, More, Murphy, O'Hara, Perry, K. Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Vincent, Washburn, Windy Boy, referred to Judiciary.
SB 425, introduced by Bales, Ankney, Barkus, Jent, J. Tropila, referred to Fish, Wildlife and Parks.
SB 497, introduced by Shockley, referred to Judiciary.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 28, introduced by J. Peterson, Laslovich, Zinke, Brueggeman, Hendrick, referred to Natural Resources.
SJR 29, introduced by Moss, Shockley, referred to Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business

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on second reading. Motion carried. Representative Bean in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 459 - Representative Grinde moved **HB 459** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 63

Nays: Bean, Bennett, Boniek, Butcher, Hawk, Hendrick, Himmelberger, Hoven, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Roberts, Sales, Smith, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton.

Total 34

Excused: Howard, Nooney, Reichner.

Total 3

Absent or not voting: None.

Total 0

SB 72 - Representative Dickenson moved **SB 72** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Ankney, Arntzen, B. Beck, Bennett, Boniek, Hawk, Hendrick, Hoven, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Randall, Regier, Sales, Smith, Sonju, Stahl, Stoker, Wagner, Warburton, Welborn.

Total 25

Excused: Howard, Nooney, Reichner.

Total 3

Absent or not voting: None.

Total 0

SB 157 - Representative Bennett moved **SB 157** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger,

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Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Sales.

Total 1

Excused: Howard, Nooney, Reichner.

Total 3

Absent or not voting: None.

Total 0

SB 161 - Representative Welborn moved **SB 161** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 69

Nays: Bean, Bennett, Blasdel, Boniek, Butcher, Getz, Hawk, Himmelberger, Ingraham, Kasten, Kerns, Lake, MacLaren, McNutt, Mendenhall, Milburn, Miller, More, Peterson, Randall, Regier, Sales, Smith, Sonju, Stoker, Vincent, Wagner, Warburton.

Total 28

Excused: Howard, Nooney, Reichner.

Total 3

Absent or not voting: None.

Total 0

SB 219 - Representative Caferro moved **SB 219** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

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Nays: Kasten, Malek, Sales, Warburton.
Total 4

Excused: Howard, Nooney, Reichner.
Total 3

Absent or not voting: None.
Total 0

SB 252 - Representative Mendenhall moved **SB 252** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: None.
Total 0

Excused: Howard, Nooney, Reichner.
Total 3

Absent or not voting: None.
Total 0

Mr. Speaker moved to pass consideration on **SJR 14** for the day. Motion carried.

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bean moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McChesney, McNutt, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Wagner, Warburton, Welborn, Wilson, Wiseman, Mr. Speaker.
Total 74

Nays: Boniek, Hendrick, Kasten, McGillvray, Miller, Sales, Van Dyk, Vincent.
Total 8

Excused: Berry, Boss Ribs, Brown, Hands, Howard, MacDonald, McAlpin, Nooney, Reichner, Wilmer.
Total 10

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Absent or not voting: Ankney, Arntzen, Butcher, Hollandsworth, McClafferty, Mehlhoff, Villa, Washburn.
Total 8

MOTIONS

Rep. Campbell moved that **HB 459** be moved to the Appropriations Committee. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Monday, March 9, 2009. Motion carried.

House adjourned at 11:40 a.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FIFTY-SECOND LEGISLATIVE DAY**

Helena, Montana
March 9, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Villa. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Nooney and Sands excused. Quorum present.

Mr. Speaker introduced the pages for the week: Kathleen Bush (Helena), Kacy Daily (Butte), Texel Feder (*teh'shell*) (Helena), Austin Feiss (Helena), John Gibson (East Helena), Loren Kasten (Circle), Daniel Moran (Helena), Brook Pokorny (Butte), Molly Taylor (Wolf Creek).

REPORTS OF STANDING COMMITTEES

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman): 3/9/2009
SB 376, be concurred in. Report adopted.

NATURAL RESOURCES (Milburn, Chairman): 3/9/2009
SB 5, be concurred in. Report adopted.
SB 25, be concurred in. Report adopted.
SB 102, be concurred in. Report adopted.
SB 120, be concurred in. Report adopted.
SB 201, be concurred in. Report adopted.

TAXATION (Lake, Chairman): 3/9/2009
HB 487, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 12.

Following: "PROPERTY;"

Strike: "IMPOSING" on line 8 through "APPROPRIATION;" on line 12

2. Title, page 1, line 13.

Following: "15-6-202,"

Insert: "AND"

Strike: "AND 17-7-502,"

3. Title, page 1, line 14.

Following: "AND"

Insert: "AN"

Strike: "DATES"

Insert: "DATE"

4. Page 1, line 18 through page 6, line 11.

Strike: section 1 through section 10 in their entirety

Renumber: subsequent sections

5. Page 9, line 19 through page 10, line 24.

Strike: section 14 and section 15 in their entirety

Renumber: subsequent sections

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6. Page 10, line 28.

Strike: "(1)" through "apply"

Insert: "[This act] applies"

7. Page 10, line 30 through page 11, line 1.

Strike: subsection (2) in its entirety

And, as amended, do pass. Report adopted.

HB 588, introduced bill, be amended as follows:

1. Page 3, line 6.

Strike: "(7)(a)"

Insert: "(5)(a)"

And, as amended, do pass. Report adopted.

HB 630, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

3/9/2009

SB 216, introduced by Laslovich

House bills concurred in and returned to the House:

3/9/2009

HB 74, introduced by Van Dyk

HB 90, introduced by Hawk

HB 100, introduced by Steenson

HB 126, introduced by Augare

HB 207, introduced by Klock

HB 208, introduced by O'Hara

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 645, introduced by Sesso, referred to Appropriations.

The following Senate bill was introduced, read first time, and referred to committee:

SB 216, introduced by Laslovich, De. Barrett, Welborn, referred to Appropriations.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 72 passed as follows:

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Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 73

Nays: Arntzen, Bean, Bennett, Boniek, Brown, Butcher, Hawk, Hendrick, Hoven, Kasten, Lake, McGillvray, Mendenhall, Miller, More, Randall, Regier, Roberts, Sales, Smith, Sonju, Stoker, Vincent, Wagner, Warburton, Welborn.

Total 26

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 157 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Boniek, Sales.

Total 2

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 161 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Vance, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 59

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Nays: Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vincent, Wagner, Warburton, Washburn.

Total 40

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 219 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 252 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Nooney.

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Total 1

Absent or not voting: None.

Total 0

Rep. Phillips announced that the House Democrats will caucus for 15 minutes.

Rep. Mendenhall announced that the House Republicans will stand at ease.

Mr. Speaker announced that the House will recess until 1:26 p.m.

Mr. Speaker called the House to order at 1:33 p.m.

Rep. Washburn introduced Lori Young who sang a song to the House.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Fleming in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 478 - Representative Campbell move that **HB 478** be placed at the top of the board. Motion carried.

HB 478 - Representative Grinde moved **HB 478** do pass. Motion carried as follows:

ey, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Bean, Hawk, Kerns, Mendenhall, More, Peterson, Taylor, Vincent, Wagner.

Total 9

Excused: Nooney.

Total 1

Absent or not voting: Glaser.

Total 1

HB 290 - Representative Grinde moved **HB 290** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller,

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Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Bean, Bennett, Kerns, Mendenhall, More, Taylor, Wagner.

Total 7

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

HB 416 - Representative MacDonald moved **HB 416** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 63

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Brown, Hawk, Hendrick, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 36

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

HB 449 - Representative Campbell moved to pass consideration on **HB 449** for the day. Motion carried.

SB 91 - Representative Regier moved **SB 91** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 67

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Hendrick, Himmelberger, Hoven, Howard, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Wagner, Welborn.

Total 32

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Excused: Nooney.
Total 1

Absent or not voting: None.
Total 0

SB 103 - Representative Warburton moved **SB 103** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Mendenhall, More, Wagner.
Total 3

Excused: Nooney.
Total 1

Absent or not voting: None.
Total 0

SB 170 - Representative MacLaren moved **SB 170** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 87

Nays: B. Beck, Blasdel, Hawk, Kasten, Kerns, Mendenhall, More, Peterson, Regier, Sales, Sonju, Vance.
Total 12

Excused: Nooney.
Total 1

Absent or not voting: None.
Total 0

SB 256 - Representative Howard moved **SB 256** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel,

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Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SJR 2 - Representative Hamilton moved **SJR 2** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Ingraham, Jones, Jopek, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Miller, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stoker, Van Dyk, Villa, Wilmer, Wiseman, Mr. Speaker.

Total 58

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Kasten, Kerns, Klock, McGillvray, McNutt, Mendenhall, Milburn, More, Morgan, O'Hara, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 39

Excused: Nooney.

Total 1

Absent or not voting: Hunter, Wilson.

Total 2

SJR 14 - Representative Hands moved **SJR 14** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 57

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Hawk, Hendrick, Himmelberger,

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Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.
Total 41

Excused: Nooney.
Total 1

Absent or not voting: Stahl.
Total 1

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Fleming moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 88

Nays: Boniek, Hawk, Himmelberger, McGillvray, Mendenhall, Miller, More, Sales, Vincent.
Total 9

Excused: Nooney, Sands.
Total 2

Absent or not voting: McClafferty.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

MOTIONS

Rep. Campbell moved that **HB 416** be moved to the Appropriations Committee. Motion carried.
Rep. Campbell moved that **HB 478** be moved to the Appropriations Committee. Motion carried.

Representative Campbell moved that the House adjourn until 1:00 p.m., Tuesday, March 10, 2009. Motion carried.

House adjourned at 2:34 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FIFTY-THIRD LEGISLATIVE DAY**

Helena, Montana
March 10, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. . Pledge of Allegiance to the Flag.

Roll Call. All members present except for Representatives Boss Ribs, Nooney and Sands, excused. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 290 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Bennett, Kerns, Mendenhall, More, Sales, Taylor, Wagner, Welborn.

Total 8

Excused: Boss Ribs, Nooney.

Total 2

Absent or not voting: None.

Total 0

SB 91 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 67

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Reichner, Roberts, Sales, Smith, Sonju, Vance, Vincent, Welborn.

Total 31

Excused: Nooney.

Total 1

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Absent or not voting: Wagner.

Total 1

SB 103 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Boniek, Mendenhall, More, Wagner.

Total 4

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 170 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: Blasdel, Boniek, Hawk, Kasten, Kerns, Lake, Mendenhall, More, Peterson, Regier, Sales, Smith, Vance.

Total 13

Excused: Nooney.

Total 1

Absent or not voting: MacDonald.

Total 1

SB 256 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner,

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Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SJR 2 concurred in as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stoker, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 57

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Kasten, Kerns, Klock, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, O'Hara, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 42

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SJR 14 concurred in as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 52

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, O'Hara, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

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Total 47

Excused: Nooney.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):

3/10/2009

SB 89, be concurred in. Report adopted.
SB 135, be concurred in. Report adopted.
SB 438, be concurred in. Report adopted.
SJR 6, be concurred in. Report adopted.
SJR 16, be concurred in. Report adopted.

HUMAN SERVICES (Becker, Chairman):

3/10/2009

HB 634, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "RULES"

Insert: "AND PROVIDE A REPORT"

2. Title, page 1, line 9.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

3. Page 2, line 1.

Following: "payment"

Insert: "by a county"

Following: "services"

Strike: "by counties"

Insert: "provided"

4. Page 2, line 2.

Following: "(i)"

Strike: "to"

Insert: "by"

Following: "department"

Strike: "to " through "if"

Insert: "when"

5. Page 2, line 3.

Strike: "; or"

Insert: ". The fees must be deposited in the account provided for in [section 4]."

6. Page 2, line 4.

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Following: "(ii)"

Strike: "to the"

Insert: "by a"

7. Page 4, line 4.

Strike: "reserve"

8. Page 4.

Following: line 7

"NEW SECTION. Section 5. Report to legislature. (1) The department of public health and human services shall provide regular interim reports on the status of the program and program expenditures to the legislative finance committee and the children, families, health, and human services interim committee.

(2) The department shall report to the legislature, as provided for in 5-11-210, the following information for the program established in [section 1] for each year of the biennium:

(a) the number of individuals transported by the program, by county;

(b) the costs to the department for the program;

(c) the amount of fees paid by counties to the state;

(d) the amount, if any, collected from third-party payors for transportation costs; and

(e) the number of times restraints were used when transporting individuals and the reasons why restraints were used."

Renumber: subsequent sections

9. Page 4.

Following: line 16

Insert: "NEW SECTION. Section 9. Termination. [This act] terminates June 30, 2011."

And, as amended, do pass. Report adopted.

SB 77, be concurred in. Report adopted.

SB 79, be amended as follows:

1. Title, page 1, line 5.

Strike: "NONEMERGENCY AMBULANCE TRANSPORT"

Insert: "CERTAIN TERMS"

2. Title, page 1, line 6.

Strike: "NONEMERGENCY AND"

Following: "CERTAIN"

Strike: "EMERGENCY"

3. Page 2.

Following: line 18

Insert: "(11) "Volunteer emergency medical technician" means an individual who is licensed pursuant to Title 50, chapter 6, part 2, and provides emergency medical care:

(a) on the days and at the times of the day chosen by the individual; and

(b) for an emergency medical service other than:

(i) a private ambulance company, unless the care is provided without compensation and outside of the individual's regular work schedule; or

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(ii) a private business or a public agency, as defined in 7-1-4121, that employs the individual on a regular basis with a regular, hourly wage to provide emergency medical care as part of the individual's job duties."

4. Page 2, line 21.

Following: "medical service"

Insert: "that is staffed primarily by volunteer emergency medical technicians"

And, as amended, be concurred in. Report adopted.

SJR 5, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

3/10/2009

HB 287, introduced by Driscoll

House bills concurred in and returned to the House:

3/10/2009

HB 76, introduced by P. Beck

HB 121, introduced by Cohenour

HB 122, introduced by Menahan

HB 138, introduced by Hunter

HB 159, introduced by Augare

HB 160, introduced by Furey

HB 171, introduced by Augare

HB 205, introduced by Ebinger

HB 242, introduced by McAlpin

HB 296, introduced by Menahan

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 646, introduced by Grinde, Hawks, Gebhardt, Williams, O'Hara, Zinke, referred to Appropriations.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollandsworth in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 449 - Rep. Campbell moved to pass consideration on **HB 449** for the day. Motion carried.

SB 54 - Representative McNutt moved **SB 54** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger,

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Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 155 - Representative Ingraham moved **SB 155** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Miller, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 61

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Howard, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Milburn, Morgan, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Washburn.

Total 38

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

SB 160 - Representative Wagner moved **SB 160** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

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Nays: Vincent.
Total 1

Excused: Nooney.
Total 1

Absent or not voting: Jopek.
Total 1

SB 196 - Representative Belcourt moved **SB 196** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 85

Nays: B. Beck, Boniek, Brown, Butcher, Hawk, Himmelberger, Ingraham, Kasten, Kerns, Morgan, Sales, Stahl, Stoker, Vance.
Total 14

Excused: Nooney.
Total 1

Absent or not voting: None.
Total 0

Rep. Ankney rose on a point of personal privilege to apologize for his remarks who some people may have found offensive.

SB 262 - Representative Reinhart moved **SB 262** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 70

Nays: Ankney, Bean, B. Beck, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Kasten, Kerns, Lake, Mendenhall, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Vance, Vincent, Wagner, Welborn.
Total 29

Excused: Nooney.

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Total 1

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollandsworth moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Boniek, Hawk, McGillvray, Mendenhall, Miller, Sales, Warburton.

Total 7

Excused: Nooney, Sands.

Total 2

Absent or not voting: Hamilton, Hollandsworth, Jones, Stahl.

Total 4

Rep. Campbell moved that the House recess and await the Senate for the State of the Tribal Nations Address. Upon adjournment of the joint session, the House will adjourn until 1:00 p.m., Tuesday, March 10, 2009. Motion carried.

Sergeant-at-Arms Tensley notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Bergren requested Sergeant-at-Arms Tensley to admit the Honorable Senate into the House chamber. Speaker Bergren introduced Senate President Story and yielded the chair to him.

Sen. Peterson moved that the body resolve itself into a joint session for the purpose of receiving the State of the Tribal Nations Address from the Honorable Chairman James Steele Jr. Motion carried.

President Story asked Sgt.-at-Arms Clark to admit the Honored guests to the chamber.

Senator President Story appointed Senator Juneau, Senator T. Brown, Representative Boss Ribs, and Representative Hendrick to escort Chairman Steele into the House Chamber.

Invocation by Bruce Sunchild, Sr., Councilman Chippewa Cree Tribe.

Sen. Story introduced the Chief Cliff Singers who sang the Flag Song.

Sen. McGee moved the President be authorized to appoint a committee of four to notify Chairman Steele that the body is in joint session and ready to receive his address. Motion carried.

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Sgt.-at-Arms Clark announced that Chairman Steele, waits entrance to the House.
The committee escorted Chairman Steele into the chambers.

President Story directed Sgt.-at-Arms Clark to please admit the Chairman.

Senate President Story introduced Chairman Steele to the joint session.
Chairman Steele made the following remarks:

**The Honorable Chairman James Steele Jr.
Remarks to the Montana Legislature
March 10, 2009**

Good afternoon /in Salish and Kootenai/

Thank you House Speaker Bob Bergren.

Thank you Senate President Robert Story.

Thank you also to Margaret Campbell, a Fort Peck Tribal member and the first Indian House Majority Floor Leader.

Thank you for the opportunity to speak in this distinguished chamber and for the opportunity to speak to the leaders of Montana, who have gathered here for this STATE of the TRIBAL NATIONS address.

I also thank the Montana National (cq this) Guard that presented the colors. You have served our Nation well in putting yourself in harms way and you continue to serve through your community service. As United States Senators John McCain and Dan Inouye - themselves both war heroes have often pointed out - American Indians have a proud tradition of serving in the military in the highest percentage of any ethnic group in the United States. We ask our Creator for Godspeed for all Americans that serve this great country in places far away and pray for their families who also make tremendous sacrifices for the freedoms we have.

Thank you BRUCE SUN CHILD, for your words of prayer.

I am pleased to introduce the Tribal Government leaders that join me today (list will be finalized):

Blackfeet Chairman Willie Sharp
Chippewa Cree Chairman Jake Parker
Crow Chairman Cedric Black Eagle
Fort Belknap President Julia Doney
Fort Peck Chairman A.T. "Rusty" Stafne
Northern Cheyenne President Leroy Spang, and
Little Shell Band of Chippewa Chairman John Sinclair.

Tribal leaders, I am honored to represent you today, as Chairman of the Montana-Wyoming Tribal Leaders Council and as Chairman of the Confederated Salish and Kootenai Tribes.

Honorable Governor Brian Schweitzer and Lieutenant Governor John Bohlinger. Thank you. Throughout your administration, you have opened the front doors of the capitol to the Tribes and we have walked through those doors many times. We look forward to continuing our government-to-government relationship throughout the next four years.

I thank the distinguished members of the Senate and House of Representatives and in particular, the American Indian

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legislators of Montana:

Representative Shannon Augare, House Majority Whip
Representative Tony Belcourt
Representative, Frosty Calf Boss Ribs
Representative Carolyn Pease-Lopez
Representative David Roundstone
Senator Carol Juneau
Senator Sharon Stewart-Peregoy, and
Senator Jonathan Windy Boy

We look to you for leadership and guidance as the legislative session continues.

I would also like to recognize the state-wide elected officials in attendance today (list to be finalized):
Superintendent of Public Instruction, Denise Juneau, the first Indian woman to be elected to state-wide public office
Attorney General Steve Bullock
Secretary of State Linda McCulloch
State Auditor Monica Lindeen

There are members of the Governor's cabinet present today, as well as representatives from the offices of Senator Baucus, Senator Tester, and Representative Rehberg.

I would especially like to thank and honor today Mr. Gilbert Horn, Sr. an Assiniboiné of the of the Fort Belknap Indian Reservation, who, like the more storied Navajos, used the Assiniboiné language with Gerald Red Elk of the Ft. Peck reservation to create a code our enemies in World War II were never able to break. At one point in the war Gilbert Horn victoriously attacked a Japanese machine gun post and despite finding his uniform riddled with machine gun bullets managed to survive unscathed. He was awarded the Congressional Medal of Honor but this humble man felt like he didn't deserve special recognition because he was only doing his job.

Thank you Mr. Gilbert Horn for your service to the country.

Thank you all.

Elected leaders, tribal elders, ladies and gentlemen:

On behalf of the Tribal Nations across the State of Montana, I am honored to present the STATE OF THE TRIBAL NATIONS ADDRESS. *My name is James Steele, Jr., and I am the Chairman of the Confederated Salish and Kootenai Tribes and the Chairman of the Montana-Wyoming Tribal Leaders Council.*

We live in times of tremendous change, politically and economically. We have seen history made in the election of President Barack Obama and his appointments of the most diverse cabinet in the history of the nation.

And we have also lost a great leader. This past month, Crow Tribal Chairman Carl Venne passed away – a tremendous loss for the Crow Nation, Montana, and the Country. Carl was a former Chairman of the Montana-Wyoming Tribal Leaders Council and gave this address during the 2007 legislative session. Please let us honor the passing of this great leader, this great man, and my friend, with a moment of silence.

[SILENCE]

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The Charles M. Russell painting that dominates this Chamber serves as a reminder of the historic relationship between the Tribes and those who came west to this great country. Charlie Russell recognized that the coming of Lewis and Clark had a profound impact on the Indian people, as our way of life was changed forever. In 1805, the economies of Native America were strong and thriving. In fact, in his orders to Lewis and Clark, President Jefferson instructed the two captains to take note and report to him on the economic activities of the Tribes, for Jefferson knew they were vibrant. Our families were strong units. We depended on each other for our survival. There was food, clothing and shelter with a strong religion and value system. An interesting aspect of Thomas Jefferson is that he had studied the governing structure of the six nations that comprise the Iroquois Confederacy and he was fascinated by the idea that there could be independent tribal governments who had autonomy from one another but who also coalesced for their common good. Historians believe that the relationship between those tribes influenced Jefferson and played a role in the crafting of the Constitution and the establishment of the United States.

The Russell mural depicts an event that took place on September 4, 1805 when Lewis and Clark's journey embarked on Salish territory at Ross Hole. The encounter between them and the Salish tribal people was a monumental event that ultimately led to the success of the expedition. The Salish people graciously provided the explorers with fresh horses, food and other vital supplies that were needed for their trek across the Bitterroot Mountains to the Pacific Ocean.

Without our assistance at Ross Hole and that of other tribes along the way, who knows what the outcome of the journey would have been. These people came looking for a new life, for opportunity, for the freedom to practice any religion they chose. They came looking for hope and opportunity, and we as Indian people hold that in common with them today. Maybe if Indian people had a strong policy on immigration things might have turned out quite differently!!

Today, we begin another partnership. It is a partnership that must be based on mutual respect and an understanding. We all must benefit if we as a state are to move forward. What is essential, if we as Indian people are going to survive, is that the State of Montana accepts the most basic premise that Indian tribes are sovereign units of government. It should be noted that the Constitution of the United States identifies three units of government and those are federal, state and Indian tribal governments. We are not racial groups who happen to live on a particular land base and want what other interests groups want. We are the successors in interest to those who signed treaties with the United States that allowed for Montana to be created. The United States does not sign Treaties with interest groups, they sign treaties with governments and our treaties were ratified by the United States Senate. They are binding contractual agreements in which we reserved to ourselves the rights of self-government and when the western states joined the Union their enabling acts committed them to respecting that authority. There are times when this phenomenon has created jurisdictional problems but to a great extent Montana, particularly in more recent years, has come to understand that our relationship is one of two governments that must be built on mutual respect. I believe that by carrying out this relationship in a mutually respectful fashion we can better the lives of the people who live on Indian reservations as well as those who do not. I believe that Indian reservations are good for Montana and can in fact significantly aid Montana in the area of economic development.

At this time it is important that we focus on economic development, job creation, education and health care. These things go hand in hand and our concerns are the same as yours. For too long our people have struggled in economically depressed communities. Our country is in the most severe economic downturn in a generation. But for Indian Country, this is not new as reservations have long suffered with high levels of unemployment. The question is how can Montana help its tribes develop and how can those tribes in turn assist Montana to develop its economy? One source of information that I would ask Montana's officials to look at is the study funded by the State & Tribal Economic development Commission and the University of Montana called the Uncovering economic contributions of Montana's American Indian Tribes.

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Montana's reservations contribute to the state economy by purchasing goods and services from surrounding communities throughout the state with revenue generated from natural resource-based jobs, tribal businesses, federal funds that support some tribal operations and revenue from tribal assets.

Cooperative agreements between the Tribes and State will improve the economic conditions of the reservations and would benefit the State of Montana.

State and tribal leaders, consider these areas for cooperative agreements:

- Partnerships focused on bringing a business development approach to tribal communities through technical assistance and strategic partnerships.
- Improve management skills and the ability to land job-creating grants by using tribal colleges to train the workforce.
- Assist Tribes with due diligence on energy development technologies.

These are just a few items to consider in the efforts to improve the health and well-being of our communities.

The SALISH AND KOOTENAI TRIBES are mapping out our future as energy providers. This effort will reach a new stage in 2015 when CSKT purchases Kerr Dam and becomes a supplier of hydroelectric energy. CSKT has also successfully managed a federal power company, Mission Valley Power, for the past 20 years and now serves 14,000 customers.

(insert joke here, and our critics thought there'd be black outs and Indian raids?)

The great CROW Nation has taken a bold step and signed an agreement with the Australian Energy Company to form the Many Stars Coal-to-Liquids Project. This effort will bring significant opportunities to the Crow people and to all Montanans, through the creation of 4,000 Montana-based jobs, an increased tax base, and will have a vast positive economic impact.

The GROS VENTRE AND ASSINIBOINE TRIBES of the Fort Belknap Reservation have used their Indian Country Economic Development funds for the creation of the Little River Smokehouse. This has brought great pride to the Assiniboiné and Gros Ventre people. Thank you for this important program and please continue its funding this session.

THE LITTLE SHELL CHIPPEWA TRIBES continue to receive our support in their endeavors to gain federal recognition. Sen. Jon Tester has also supported the tribes in their 31-year effort for recognition.

THE NORTHERN CHEYENNE is delicately balancing energy development to create jobs while being environmentally conscience with their traditional values.

The ASSINIBOINE AND SIOUX TRIBES of the Fort Peck Reservation are proud to report that they were the first to sign a revenue sharing agreement with the State of Montana to eliminate duplicate taxation of new oil and gas development on the reservation. This creates a competitive business environment on the reservation, leading to more development of tribal oil and gas resources and increased economic opportunities for tribal members.

THE CHIPPEWA CREE TRIBE is engaging in energy development on and around the Rocky Boy's Reservation that will create more jobs, generate revenue, and provide direct control over development of land and resources. The Tribe has partnered with Native American Resource Partners (NARP) to create a tribally-owned energy company for

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exploring and developing oil and gas resources. The priorities will be on natural gas exploration and development followed by wind energy progress.

Northern Cheyenne is delicately balancing energy development to create jobs while being environmentally conscience with their traditional values.

The BLACKFEET NATION is working to upgrade Pikuni Industries to manufacture materials for Defense Department contracts; and oil drilling efforts have increased on the western side of the Blackfeet Reservation. The Tribe is also in discussion with wind energy producers about several wind projects on the Reservation.

These are just a few examples – from among many – of the efforts tribal governments are making to improve the health and well-being of our peoples.

Even with high rates of unemployment, the seven Indian Reservations of Montana and the state-recognized Little Shell Band of Chippewa, contribute a combined total of \$1 billion annually to the Montana economy. Those numbers may surprise some people, but to those of you who work every day to make your home communities better for your people, these figures come as no surprise.

This is an important time to come together. It's important to remind ourselves and our surrounding communities that together, we are greater than the sum of our parts. An example of that played out when Transportation Director Jim Lynch reach out to Indian Country to coordinate conference calls about economic stimulus dollars and transportation funds. Our Nations are hungry for improvement and the tax status of Indian reservations can be attractive to industry.

In the more immediate term, during this legislative session, you will hear many ideas to help make Montana, even better.

The Governor has already signed into law Senate Bill 39, sponsored by Senator Carol Juneau, extending the duration of the Reserved Water Rights Compact Commission. I thank Senator Juneau, this legislative body, and the Governor for taking quick action on this bill, which is so vital to the economic future of my people and all Montanans. SB 39 will allow the CSKT and the State the time to negotiate a water compact that is fair for all who live on the reservation.

While there are many bills worthy of support, I must urge your support in particular for several bills that are vital in Indian Country because of their effect on our economies:

House Bill 161, sponsored by Representative Shannon Augare, ratifying the Blackfeet water compact. This bill represents a vital step in the journey towards fair and just water rights for the Blackfeet Tribe and tribal members, and I thank Representative Augare for sponsoring the bill.

House Bill 135, sponsored by Representative Tony Belcourt, funding the Peoples Creek mitigation account, as part of the Fort Belnap water compact. With this bill, the State begins to fulfill its obligations under the compact to the people of the Fort Belnap Reservation. Thank you Representative Belcourt - or Landslide Tony as some of us call him - for your sponsorship.

Senate Bill 201, sponsored by Senator Jesse Laslovich, revising the Crow water compact. This important bill allows the Crow Nation to access their interest earnings on funds appropriated as part of the State of Montana's obligation under the compact. With these monies, the Crow will be able to set up their water administration office, as well as complete the ratification process of their water compact in the U.S. Congress. I thank Senator Laslovich for sponsoring this legislation.

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House Bill 158, sponsored by Representative Shannon Augare, allowing for direct tribal access to economic development funding. This bill allows tribes to directly access the state's Big Sky Economic Development program funding. Representative Augare understands that the tribes will need to access all the resources they can to help their peoples during these times of economic crisis.

Senate Bill 456, sponsored by Carol Juneau, exempting tribally owned property from state property taxes, just as all governments in Montana are exempt from state property taxes. I am thankful for Senator Juneau's persistence in sponsoring this important bill, which is a simple matter of fairness and an important symbol of respect for the state-tribal government-to-government relationship.

I thank you for supporting the Indian Country Economic Development program, contained in House Bill 2. This program, established as part of the Governor's budget in 2005, has been a critical engine of economic growth in Indian Country, and is now more important than ever given the economic crisis.

Legislators, as you deliberate in making laws and decisions that affect the great State of Montana, let Charlie Russell's painting remind you of your obligation to include Native peoples as your neighbors, partners and friends. Let us move forward together.

Thank you.
Lem Lemts.

Representative Carolyn Pease-Lopez gave the Benediction.

President Story thanked Chairman Steele and directed the escort committee to escort the Chairman from the joint session.

Senate Majority Leader Peterson moved that the joint session of the 61st Legislature, convened to receive the address from Chairman Steele, be adjourned. Motion carried.

Joint session adjourned at 2:53 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FIFTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
March 11, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Cohenour. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representative Campbell, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman): 3/11/2009
HB 2, introduced bill, be amended as follows:

1. Page A-1.
Following: line 8
Strike: everything after the enacting clause and insert attached

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (Wilson, Chairman): 3/11/2009
SB 150, be concurred in. Report adopted.

FISH, WILDLIFE AND PARKS (Van Dyk, Chairman): 3/11/2009
HB 480, do pass. Report adopted.

JUDICIARY (Stoker, Chairman): 3/11/2009
SB 96, be amended as follows:

1. Page 1, line 14.
Following: "claims"
Insert: "at the time of the omnibus hearing held pursuant to 46-13-110 or, if no omnibus hearing is held, at the time of any change of plea by the defendant"

2. Page 2, lines 27 and 28.
Strike: "The court" on line 27 through "report." on line 28

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman): 3/11/2009
SB 20, be concurred in. Report adopted.
SB 299, be amended as follows:

1. Page 3, line 9.

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Strike: "Failure" on line 9
Insert: "A knowing failure"

And, as amended, be concurred in. Report adopted.

TRANSPORTATION (Sonju, Chairman): 3/11/2009
SB 21, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence: 3/11/2009

SB 462, introduced by Steinbeisser

House bills concurred in and returned to the House: 3/11/2009

HB 61, introduced by Sesso
HB 120, introduced by McChesney
HB 125, introduced by Mehlhoff
HB 168, introduced by Roundstone
HB 181, introduced by K. Peterson
HB 368, introduced by Fleming

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 3/11/2009
HB 172, introduced by Arntzen

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 647, introduced by Di. Barrett, Erickson, A. Noonan, McAlpin, Grinde, Hamilton, Wiseman, Reinhart, Cohenour, Pomnichowski, referred to Taxation.
HB 648, introduced by Di. Barrett, Cohenour, A. Noonan, Erickson, McAlpin, Hamilton, Grinde, Wiseman, Pomnichowski, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 30, introduced by Himmelberger, referred to Natural Resources.

The following Senate bill was introduced, read first time, and referred to committee:

SB 462, introduced by Steinbeisser, referred to Business and Labor.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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SB 54 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Boniek, Stahl.

Total 2

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

SB 155 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Miller, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 58

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hoven, Howard, Jones, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Milburn, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Washburn, Welborn.

Total 41

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

SB 160 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson,

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Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

SB 196 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 82

Nays: B. Beck, Berry, Boniek, Brown, Butcher, Hawk, Himmelberger, Ingraham, Kasten, Kerns, Lake, Miller, Nooney, Sales, Stoker, Vance, Washburn.

Total 17

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

SB 262 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 67

Nays: Bean, B. Beck, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Jones, Kasten, Kerns, Lake, Mendenhall, Miller, More, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Vance, Vincent, Wagner, Washburn, Welborn.

Total 31

Excused: Campbell.

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Total 1

Absent or not voting: Hoven.

Total 1

Committee meetings were announced by the committee chairs.

Mr. Speaker directed Sgt.-at-Arms Tensley to escort the Polynesian Dancers from the University of Montana Western in Dillon, MT to the House Chambers.

The Polynesian Dancers preformed for the House of Representatives.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Speaker Pro Tempore Willmer moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Furey in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 287 - Senate Amendments - Representative Driscoll moved Senate amendments to **HB 287** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 90

Nays: Blasdel, Boniek, Hendrick, Ingraham, Kasten, Reichner, Sales, Wiseman.

Total 8

Excused: Campbell.

Total 1

Absent or not voting: Sonju.

Total 1

HB 449 - Representative Wilmer moved to pass consideration on **HB 449** for the day. Motion

Rep. McChesney rose of a point of personal privilege to apologize for delaying HB 449 for the 3rd day in a row, but said that once an amendment is ready the bill should be ready for 2nd reading.

HB 588 - Representative Ankney moved **HB 588** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming,

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French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

HB 630 - Representative Sands moved **HB 630** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Mendenhall.

Total 1

Excused: Campbell.

Total 1

Absent or not voting: Butcher, Stoker.

Total 2

SB 5 - Representative Dickenson moved **SB 5** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

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Nays: None.
Total 0

Excused: Campbell.
Total 1

Absent or not voting: None.
Total 0

SB 47 - Representative McNutt moved **SB 47** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Hawk, Hendrick, Wagner.
Total 3

Excused: Campbell.
Total 1

Absent or not voting: None.
Total 0

SB 182 - Representative Kottel moved **SB 182** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: Campbell.
Total 1

Absent or not voting: None.
Total 0

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SB 201 - Representative Belcourt moved **SB 201** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 97

Nays: Kerns.

Total 1

Excused: Campbell.

Total 1

Absent or not voting: Mr. Speaker.

Total 1

SB 296 - Representative Reinhart moved **SB 296** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Bean, Hendrick, Lake, Mendenhall, Sales, Stoker, Villa, Wagner.

Total 8

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

SB 390 - Representative Arntzen moved **SB 390** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips,

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Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Mendenhall, Sales, Wagner.

Total 3

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

SB 331 - Representative MacLaren moved **SB 331** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson.

Total 95

Nays: Sales, Villa, Wiseman, Mr. Speaker.

Total 4

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

SJR 8 - Representative Lake moved **SJR 8** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Wilmer, Wilson, Wiseman.

Total 64

Nays: Ankney, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hendrick, Himmelberger, Hollandsworth, Kasten, Kerns, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, More, Nooney, Peterson, Randall, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 35

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Excused: Campbell.
Total 1

Absent or not voting: None.
Total 0

Speaker Pro Tempore Wilmer moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Furey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 86

Nays: Blasdel, Hendrick, Jones, Jopek, Kasten, Randall, Sales, Villa, Vincent.
Total 9

Excused: Campbell, Wagner.
Total 2

Absent or not voting: Becker, Mendenhall, Stahl.
Total 3

ANNOUNCEMENTS

Representative Campbell moved that the House adjourn until 1:00 p.m., Thursday, March 12, 2009. Motion carried.

House adjourned at 2:12 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FIFTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
March 12, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Washburn. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Phillips, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):

3/12/2009

HB 12, do pass. Report adopted.

HB 85, introduced bill, be amended as follows:

1. Title, lines 8 and 9.

Following: "RULES;" on line 8

Strike: remainder of line 8 through "ACCOUNT;" on line 9

Strike: "STATUTORY"

Insert: "CONTINGENT"

2. Title, line 10.

Strike: "AMENDING SECTION 17-7-502, MCA;"

3. Page 1, line 21.

Strike: "10"

Insert: "8"

4. Page 1, line 25.

Strike: "this chapter"

Insert: "[sections 1 through 8]"

5. Page 5, line 10.

Insert: "(6) Five percent of the annual appropriation for the program must be held in reserve each year to be distributed for emergency purposes only as provided in [section 8]."

6. Page 5, line 27.

Following: "from the"

Insert: "appropriation for the"

7. Page 5, line 28.

Strike: "account established in [section 8]"

Insert: "program"

8. Page 6, line 17.

Strike: "10"

Insert: "8"

9. Page 6, line 26 through page 7, line 5.

Strike: section 8 in its entirety

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Renumber: subsequent sections

10. Page 7, line 15 through page 8, line 28.

Strike: sections 10 and 11 in their entirety

Insert: "COORDINATION SECTION. **Section 9. Coordination instruction.** If House Bill No. 2 is not passed and approved or if House Bill No. 2 does not contain an appropriation of \$1 million for each fiscal year for the purposes of [this act], then there is appropriated from the highway nonrestricted account provided for in 15-70-125 to the department of transportation the difference between \$1 million in each fiscal year and the amount appropriated in House Bill No. 2 for the purposes of [this act]."

11. Page 9, line 3.

Strike: "10"

Insert: "8"

12. Page 10, line 5.

Strike: "10"

Insert: "8"

And, as amended, do pass. Report adopted.

HB 135, do pass. Report adopted.

HB 143, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.

Strike: "PROVIDING A STATUTORY" on line 6 through "MCA;" on line 7

2. Page 1, line 18.

Following: "entities"

Insert: ", "

Strike: "or"

3. Page 1, line 19.

Following: "practices"

Insert: ", or churches"

4. Page 2, line 25.

Strike: "." through "must"

Insert: "to"

5. Page 2, line 29 through page 4, line 1.

Strike: section 6 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 161, do pass. Report adopted.

HB 211, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "VENDOR"

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Insert: "LICENSEE"

2. Title, line 7.

Strike: "VENDORS"

Insert: "LICENSEES"

Strike: "A DEFENSE"

Insert: "PROTECTION"

3. Page 1, line 17.

Strike: "Vendor"

Insert: "Licensee"

4. Page 1, line 22.

Strike: "vendors"

Insert: "licensees"

5. Page 1, line 24.

Strike: "vendors"

Insert: "licensees"

6. Page 1, line 25.

Strike: "vendors"

Insert: "licensees"

7. Page 1, line 28.

Strike: "Vendor"

Insert: "Licensee"

Strike: ""vendor""

Insert: ""licensee""

8. Page 2, line 3.

Strike: "vendor"

Insert: "licensee"

Strike: "vendors"

Insert: "licensees"

9. Page 2, line 5.

Strike: "vendor"

Insert: "licensee"

10. Page 2, line 6.

Strike: the first "vendor"

Insert: "licensee"

Strike: the second "vendor"

Insert: "licensee"

11. Page 2, line 11.

Strike: "vendor"

Insert: "licensee"

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12. Page 2, line 25.

Strike: the first "vendor's"

Insert: "licensee's"

Strike: the second "vendor's"

Insert: "licensee's"

13. Page 2, line 28.

Strike: "vendor"

Insert: "licensee"

14. Page 2, line 29.

Strike: "vendor"

Insert: "licensee"

15. Page 2, line 30.

Strike: "vendor"

Insert: "licensee"

16. Page 3, line 1.

Strike: the first "vendor"

Insert: "licensee"

Strike: the second "vendor"

Insert: "licensee"

17. Page 3, line 4.

Strike: "VENDOR"

Insert: "licensee"

18. Page 3, line 5.

Strike: the first "VENDOR'S"

Insert: "licensee's"

Strike: the second "VENDOR'S"

Insert: "licensee's"

19. Page 3, line 11.

Strike: "defense"

Insert: "protection"

20. Page 3, line 12.

Strike: "vendor"

Insert: "licensee"

21. Page 3, line 16.

Strike: "vendor"

Insert: "licensee"

22. Page 4, line 2.

Strike: "vendors"

Insert: "licensees"

Strike: "defense"

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Insert: "protection"

23. Page 4, line 20.

Strike: "vendor"

Insert: "licensee"

24. Page 4, line 30.

Strike: "vendor"

Insert: "licensee"

Strike: "defense"

Insert: "protection"

25. Page 5.

Following: line 3

Insert: "NEW SECTION. **Section 10. No appropriation.** It is the intent of the legislature that the requirements of [this act] be conducted within existing levels of funding."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 216, do pass. Report adopted.

HB 224, introduced bill, be amended as follows:

1. Page 1, line 14.

Following: "hospital"

Insert: "who applies for the program and submits proof of the balance related to loans for nursing education"

2. Page 1.

Following: line 16

Insert: "(c) An individual with a loan balance of less than \$1,000 is not eligible for the program provided for in this section."

3. Page 1, line 23.

Following: "**Appropriation.**"

Insert: "(1)"

4. Page 1.

Following: line 25

Insert: "(2) The appropriation may not be spent on administrative costs related to the institutional nursing incentive program."

And, as amended, do pass. Report adopted.

HB 262, do pass. Report adopted.

HB 315, do pass. Report adopted.

HB 356, do pass. Report adopted.

HB 440, introduced bill, be amended as follows:

1. Page 1, line 10.

Strike: "any member"

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Insert: "a majority of the members"

2. Page 1, line 14.

Following: "statement"

Strike: ", whenever possible, must"

Insert: "may"

3. Page 1, line 17.

Following: "business."

Insert: "The requester of the small business impact statement shall direct the preparer of the small business impact statement regarding the type of business and the areas of potential impact to be covered by the small business impact statement."

4. Page 1, line 22.

Strike: "50"

Insert: "20"

And, as amended, do pass. Report adopted.

HB 499, do pass. Report adopted.

HB 585, do pass. Report adopted.

HB 635, do pass. Report adopted.

SJR 22, be concurred in. Report adopted.

BUSINESS AND LABOR (Wilson, Chairman):

3/12/2009

SB 141, be concurred in. Report adopted.

SB 269, be amended as follows:

1. Page 6, line 25.

Strike: "department"

Insert: "board"

2. Page 7, line 8.

Strike: "(1)(e)"

Insert: "(2)(e)"

3. Page 8, line 1.

Following: "safety"

Strike: "in"

Insert: "as those practices apply to"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Stoker, Chairman):

3/12/2009

SB 197, be concurred in. Report adopted.

SB 209, be concurred in. Report adopted.

SB 250, be concurred in. Report adopted.

SB 323, be concurred in. Report adopted.

SB 340, be concurred in. Report adopted.

SB 341, be concurred in. Report adopted.

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SB 368, be concurred in. Report adopted.

TAXATION (Lake, Chairman):

3/12/2009

HB 360, do pass. Report adopted.

HB 413, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "UP TO \$50 MILLION"

Insert: "A PORTION"

2. Page 1, line 29.

Following: "(b)"

Insert: "(i)"

Strike: "up to \$50 million"

Insert: "a portion"

3. Page 2.

Following: line 2

Insert: "(ii) If the board approves a loan to a school district, it shall establish a repayment term, not to exceed 15 years, that is based upon the pledge made under [section 1] and upon other financial resources of the school district. The interest rate for the term of the loan is the intercap rate that is in effect at the time the loan is approved."

And, as amended, do pass. Report adopted.

HB 508, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: ",'"

Insert: "and"

2. Page 1, line 20.

Following: "four"

Insert: "commercial and industrial"

3. Page 1, line 21.

Following: "(ii)"

Insert: "the"

Strike: "as an"

4. Page 1, line 21 through 22.

Strike: "; and" on line 21 through "(f)" on line 22

Insert: ", including"

Strike: "industrial and commercial" on line 22

5. Page 1, line 23.

Strike: "(1)(f)"

Insert: "(1)(e)(ii)"

6. Page 1, line 30.

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Strike: "(i)"

7. Page 2, line 2 through line 3.

Strike: subsection (ii) in its entirety

8. Page 2, line 4.

Strike: "subsections"

Insert: "subsection"

Strike: "and"

9. Page 2, line 5.

Strike: "(1)(f)"

And, as amended, do pass. Report adopted.

HB 631, do pass. Report adopted.

HB 636, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "REALIZED"

Insert: "RECOGNIZED"

2. Page 1, line 12.

Strike: "realized"

Insert: "recognized"

Following: "from"

Insert: "adjusted gross income or"

3. Page 1, line 13.

Strike: "corporate"

Strike: "in computing net income"

Strike: the first "this"

Following: "chapter"

Insert: "30 or 31"

4. Page 1.

Following: line 24

Insert: "(3) For the purpose of this section, "tenants' association" or "mobile home park residents' association" means a group of two or more tenants who reside in a mobile home park, have organized for the purpose of eventual purchase of the mobile home park, and have established bylaws of the association."

5. Page 4, line 11.

Strike: "realized"

Insert: "recognized"

And, as amended, do pass. Report adopted.

TRANSPORTATION (Sonju, Chairman):

3/12/2009

SB 73, be amended as follows:

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1. Title, page 1, line 5.

Strike: "ALLOWING" through "REGISTERED;"

Insert: "AND"

2. Title, page 1, line 6.

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND 61-3-562"

Strike: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

3. Page 14, line 5 through page 15, line 7.

Strike: sections 2 and 3 in their entirety

And, as amended, be concurred in. Report adopted.

SB 319, be concurred in. Report adopted.

SB 409, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

3/12/2009

HB 80, introduced by Kottel

House bills concurred in and returned to the House:

3/12/2009

HB 94, introduced by McNutt

HB 140, introduced by Vincent

HB 151, introduced by Becker

HB 247, introduced by Bergren

HB 273, introduced by O'Hara

HB 293, introduced by Hiner

HB 298, introduced by Blewett

House joint resolution concurred in and returned to the House:

3/12/2009

HJR 17, introduced by French

MESSAGES FROM THE GOVERNOR

March 12, 2009

The Honorable Bob Bergren, Speaker

Speaker of the House

State Capitol

Helena, Montana 59620

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Dear Speaker Bergren:

Please be informed that I have signed **House Bill 13** sponsored by Representative Hunter on March 12, 2009.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 649, introduced by Cohenour, Roundstone, Hamilton, A. Noonan, Grinde, Wiseman, De. Barrett, McAlpin, Pomnichowski, referred to Taxation.

HB 650, introduced by French, Hamilton, Roundstone, Wiseman, A. Noonan, Pomnichowski, Cohenour, De. Barrett, Grinde, McAlpin, referred to Taxation.

HB 651, introduced by Cohenour, Hamilton, Roundstone, Pomnichowski, McAlpin, Grinde, De. Barrett, A. Noonan, referred to Taxation.

HB 652, introduced by McAlpin, Cohenour, Roundstone, A. Noonan, Pomnichowski, Wiseman, De. Barrett, Grinde, Hamilton, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 33, introduced by Bergren referred to Appropriations.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 287 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 85

Nays: Bean, B. Beck, Blasdel, Boniek, Brown, Hendrick, Himmelberger, Ingraham, Miller, Randall, Reichner, Sales, Sonju, Warburton, Wiseman.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

HB 588 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Pease-Lopez.

Total 1

Excused: None.

Total 0

Absent or not voting: Washburn.

Total 1

HB 630 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Boniek, Mendenhall, More, Sales.

Total 4

Excused: None.

Total 0

Absent or not voting: Jones.

Total 1

SB 5 concurred in as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven,

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Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Ankney, B. Beck, Hawk, Hendrick, Kasten, Lake, Mendenhall, Randall, Roberts, Sales, Sonju.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 47 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Hendrick.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 182 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

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Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 201 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Kerns, Sales.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 296 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 86

Nays: Bean, Blasdel, Boniek, Hawk, Hendrick, Kasten, Kerns, Lake, Mendenhall, More, Randall, Sales, Villa, Wagner.
Total 14

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

SB 331 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 93

Nays: P. Beck, Belcourt, Boss Ribs, Campbell, Sales, Villa, Mr. Speaker.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 390 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: B. Beck, Blasdel, Boniek, Mendenhall, Sales, Sonju, Wagner.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 8 concurred in as follows:

Yeas: Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Vincent, Wilmer,

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Wilson, Wiseman, Mr. Speaker.
Total 62

Nays: Ankney, Arntzen, Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Glaser, Hendrick, Himmelberger, Hollandsworth, Jones, Kasten, Kerns, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Nooney, O'Hara, Peterson, Randall, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Villa, Wagner, Warburton, Washburn, Welborn.
Total 38

Excused: None.
Total 0

Absent or not voting: None.
Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Regier in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 172 - Senate Amendments - Representative Arntzen moved Senate amendments to **HB 172** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 90

Nays: Bean, Boniek, McGillvray, Mendenhall, More, Sales, Vance, Vincent, Wagner.
Total 9

Excused: None.
Total 0

Absent or not voting: Nooney.
Total 1

HB 318 - Representative Kottel moved **HB 318** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones,

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Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman.

Total 79

Nays: Ankney, Bean, Berry, Blasdel, Boniek, Butcher, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, Miller, Randall, Sales, Sonju, Taylor, Vincent, Wagner, Welborn.

Total 20

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

HB 449 - Representative McChesney moved **HB 449** do pass.

HB 449 - Representative Milburn moved **HB 449**, second reading copy, be amended as follows:

1. Title, line 9.

Following: "CAUSING"

Insert: "CERTAIN"

2. Page 5, line 22.

Following: "bonds"

Insert: "except that the provisions of this subsection (3) do not apply to a nonprofit organization exempt from taxation under section 26 U.S.C. 501(c)(3)"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Becker, Dickenson.

Total 2

Excused: Phillips.

Total 1

Absent or not voting: Nooney.

Total 1

HB 449 - Representative Villa moved **HB 449**, second reading copy, be amended as follows:

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1. Title, line 17.

Following: "CIRCUMSTANCES;"

Insert: "REQUIRING COUNTIES TO REPORT EXPENDITURES FOR CONSULTING SERVICES;"

2. Page 11, line 29.

Insert: "NEW SECTION. Section 12. Report on consulting services. On or before January 21 and July 21 of each year, a county shall compile a report on expenses for consulting services incurred by the county in the preceding 6 months. The report must include the name of each consultant, including compensated staff, and the amount expended. The report must be made available to the public."

Insert: "NEW SECTION. Section 13. Codification instruction. [Section 12] is intended to be codified as an integral part of Title 7, chapter 6, part 22, and the provisions of Title 7, chapter 6, part 22, apply to [section 12]."

Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Himmelberger, McGillvray, Mendenhall, More, Peterson, Sales, Smith, Wagner.

Total 8

Excused: Phillips.

Total 1

Absent or not voting: None.

Total 0

HB 449 - Representative McChesney moved **HB 449** do pass, as amended. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: Bean, Blasdel, Hawk, Hendrick, Himmelberger, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Randall, Sales, Smith, Sonju, Taylor, Vincent, Wagner.

Total 19

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

SB 25 - Representative Pomnichowski moved **SB 25** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 88

Nays: Ankney, B. Beck, Berry, Blasdel, Hawk, Hendrick, Lake, Randall, Sales, Sonju, Wagner.
Total 11

Excused: None.
Total 0

Absent or not voting: French.
Total 1

SB 49 - Representative Hands moved **SB 49** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 69

Nays: Bean, B. Beck, Blasdel, Boniek, Butcher, Campbell, Hawk, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, McNutt, Miller, More, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 89 - Representative Milburn moved **SB 89** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney,

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McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 83

Nays: Boniek, Hawk, Himmelberger, Howard, Kasten, Kerns, McGillvray, Mendenhall, Morgan, Peterson, Randall, Sales, Smith, Sonju, Stahl, Wagner, Warburton.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 102 - Representative Warburton moved **SB 102** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 79

Nays: Arntzen, Bean, Bennett, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hoven, Howard, Kasten, Kerns, Lake, Mendenhall, Morgan, Randall, Reichner, Sales, Vance, Wagner, Washburn.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 120 - Representative Cohenour moved **SB 120** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 76

Nays: Bean, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Kasten, Kerns, Lake, Miller, More, Pease-Lopez, Peterson, Randall, Regier, Reichner, Sales, Sonju, Taylor, Wagner.
Total 24

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 135 - Representative Hunter moved **SB 135** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 74

Nays: Bennett, Blasdel, Boniek, Brown, Caferro, Hawk, Hendrick, Himmelberger, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Randall, Roberts, Sales, Smith, Stoker, Taylor, Wagner, Welborn.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 255 - Representative Reichner moved **SB 255** be concurred in. Motion carried as follows:

Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Boniek, McGillvray, Mendenhall, Sales.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 376 - Representative Stahl moved **SB 376** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel,

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Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Pomnichowski.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Mr. Speaker moved to pass consideration of **SB 438** for the day. Motion carried.

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Regier moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Boniek, Hendrick, Kasten, Mendenhall, Miller, More, Sales.

Total 7

Excused: Phillips.

Total 1

Absent or not voting: Hawk.

Total 1

REPORTS OF STANDING COMMITTEES

EDUCATION (Grinde, Chairman):

3/12/2009

HB 629, do pass. Report adopted.

SB 173, be concurred in. Report adopted.

SB 273, be concurred in. Report adopted.

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HUMAN SERVICES (Becker, Chairman):
SB 26, be amended as follows:

3/12/2009

1. Page 1, line 19 through line 20.
Following: "HOSPITALS OR" on line 19
Strike: "BY the" on line 19 through "health care" on line 20
Insert: "outpatient centers for surgical services"

And, as amended, be concurred in. Report adopted.

SB 82, be concurred in. Report adopted.
SB 119, be amended as follows:

1. Page 6.
Following: line 15
Insert: "NEW SECTION. Section 4. Transition. During the biennium beginning July 1, 2009, the department shall implement the program provided for in [this act] using existing staff and available resources."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

SB 208, be concurred in. Report adopted.
SB 325, be concurred in. Report adopted.
SB 432, be concurred in. Report adopted.

JUDICIARY (Stoker, Chairman):
SB 108, be amended as follows:

3/12/2009

1. Title, line 6.
Following: "SERVICE"
Insert: "ALONE"

2. Title, line 12.
Following: "SERVICE"
Insert: "ALONE"

3. Page 2, lines 14 and 15.
Strike: "A court" on line 14 through "child" on line 15
Insert: "When determining the best interest of the child of a parent in military service, the court shall consider all relevant parenting factors provided in subsection (1) and may not determine the best interest of the child based only upon the parent's military service"

4. Page 7, lines 19 and 20.
Strike: "A court" on line 19 through "plan" on line 20

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Insert: "In approving a final parenting plan for a child of a parent in military service, the court may not disapprove the plan only because of the parent's military service"

And, as amended, be concurred in. Report adopted.

SB 171, be amended as follows:

1. Page 1, line 12.

Following: "~~to do so~~"

Insert: "with a value of at least \$500 over the amount of any damage deposit or, if no damage deposit was paid, a value of at least \$500"

2. Page 1, lines 15 and 16.

Strike: "THAT" on line 15 through "VALUE" on line 16

3. Page 1, lines 17 through 19.

Strike: "A PERSON" on line 17 through "BOTH." ON LINE 19

4. Page 1, lines 22 and 23.

Strike: "THE COURT SHALL" on line 22 through "RESTITUTION." on line 23

And, as amended, be concurred in. Report adopted.

ANNOUNCEMENTS

Mr. Speaker reminded the body that the U.S. Representative Rehberg will address the body tomorrow.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Friday, March 13, 2009. Motion carried.

House adjourned at 2:30 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FIFTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
March 13, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Steenson who yielded to Sen. Windy Boy. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Boland, Campbell, Phillips and Wilmer, excused. Quorum present.

Mr. Speaker thanked the pages for the week.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 172 as amended by Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 92

Nays: Mendenhall, More, Sales, Sonju, Vance, Wagner.
Total 6

Excused: Campbell.
Total 1

Absent or not voting: Vincent.
Total 1

HB 318 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wiseman, Mr. Speaker.
Total 82

Nays: Bean, Blasdel, Boniek, Butcher, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, Miller, Randall, Sales, Sonju, Taylor, Welborn.

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Total 16

Excused: Campbell.

Total 1

Absent or not voting: Wilson.

Total 1

HB 449 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: Bean, Blasdel, Hawk, Hendrick, Himmelberger, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Randall, Sales, Smith, Sonju, Taylor, Vincent, Wagner.

Total 19

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

SB 25 concurred in as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Ankney, B. Beck, Hawk, Kasten, Kerns, Lake, More, Randall, Roberts, Sales, Sonju.

Total 11

Excused: Campbell.

Total 1

Absent or not voting: Wagner.

Total 1

SB 49 concurred in as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Mendenhall, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Sonju, Steenson, Stoker, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Bean, Bennett, Boniek, Butcher, Hawk, Howard, Jones, Kasten, Kerns, Lake, MacLaren, McGillvray, McNutt, Milburn, Miller, More, Nooney, Peterson, Randall, Regier, Roberts, Smith, Stahl, Taylor, Vance, Wagner, Warburton.

Total 27

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

SB 89 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: Bennett, Boniek, Hawk, Himmelberger, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Morgan, Peterson, Randall, Regier, Sales, Smith, Stahl, Wagner, Warburton.

Total 19

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

SB 102 concurred in as follows:

ey, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 73

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Nays: Bean, B. Beck, Brown, Butcher, Hawk, Hendrick, Himmelberger, Howard, Kasten, Kerns, Lake, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Randall, Reichner, Sales, Sonju, Taylor, Vance, Wagner, Washburn, Welborn.

Total 26

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

SB 120 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 70

Nays: Bean, B. Beck, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Kasten, Kerns, Lake, McGillvray, Miller, More, Pease-Lopez, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Taylor, Wagner, Warburton.

Total 28

Excused: Campbell.

Total 1

Absent or not voting: Welborn.

Total 1

SB 135 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 75

Nays: Bean, Bennett, Boniek, Brown, Caferro, Hawk, Hendrick, Himmelberger, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Randall, Sales, Taylor, Wagner, Warburton, Welborn.

Total 24

Excused: Campbell.

Total 1

Absent or not voting: None.

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Total 0

SB 255 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Boniek, McGillvray, Mendenhall, Sales, Wagner.

Total 5

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

SB 376 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Pease-Lopez, Pomnichowski.

Total 2

Excused: Campbell.

Total 1

Absent or not voting: None.

Total 0

Mr. Speaker directed Sgt.-at-Arms Tensley to admit our Honored guest Sgt. Mary Dague to the House chambers. Sgt.-at-Arms Tensley and Rep. Hendricks escorted our Honored guest Sgt. Mary Dague into the House chambers. Rep. Hendricks introduced Sgt. Mary Dague who addressed the body and talked about her time serving in Iraq. Rep. Hendricks and Sgt.-at-Arms Tensley escorted Sgt. Mary Dague from the House chambers.

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Mr. Speaker announced that today we will recognize Zachary Bell
Mr. Speaker appointed Rep. Wilson and Rep. O'Hara to escort our guest to the well of the Hose to be introduced and recognized for this achievement.
Chief Clerk Hunter read the following remarks, honoring Zachary Bell.

***A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA***

March 13, 2009

Commending Zachary Bell, an eleven year-old Great Falls boy who was treated at Shodair Children's Hospital, and whose optimism and determination helped him triumph over significant mental health challenges, to return to a fruitful life with family and community;

Whereas Children's Miracle Network, the international alliance of premier children's hospitals in the U.S. and abroad, spotlights the heroic battles of children like Zachary with illnesses of all kinds;

Whereas Zachary Bell will represent Montana in the Children's Miracle Network program honoring remarkable children who have met the challenges of severe medical conditions: Champions Across America presented by Walmart and Sam's Club; and

Whereas Zachary has been selected for his courage, tenacity, and perseverance as the sole representative of children's mental health needs, and an ambassador for the 17 million children treated each year at Children's Miracle Network children's hospitals;

**THEREFORE BE IT RESOLVED BY THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA:**

That the members of this body congratulate Zachary Bell for his positive attitude in the face of a significant medical condition, and convey to him their sincere best wishes for safe travel and memorable experiences during his year as Montana's Champion.

Robert R. Story
President of the Senate

Bob Bergren
Speaker of the House

Carol Williams
Senate Minority Leader

Scott Sales
House Minority Leader

Sgt.-at-Arms Tensley, Rep. Wilson and Rep. O'Hara escorted Zachary Bell from the House Chambers

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):

3/13/2009

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HB 15, do pass. Report adopted.

HB 246, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

Strike: "PROVIDING FOR THE DUTIES OF THE ATTORNEY GENERAL;"

2. Page 1, line 11.

Strike: "7"

Insert: "6"

3. Page 1, line 15.

Strike: "7"

Insert: "6"

4. Page 2, line 12.

Strike: "7"

Insert: "6"

5. Page 3, line 23.

Strike: "7"

Insert: "6"

6. Page 3, line 26 through page 4, line 4.

Strike: section 7 in its entirety

Renumber: subsequent sections

7. Page 4, line 6.

Strike: "7"

Insert: "6"

8. Page 4, line 7.

Strike: "7"

Insert: "6"

And, as amended, do pass. Report adopted.

HB 416, do pass. Report adopted.

HB 425, introduced bill, be amended as follows:

1. Page 2.

Following: line 21

Insert: "NEW SECTION. **Section 3. No appropriation.** It is the intent of the legislature that the requirements of [this act] be conducted within existing levels of funding. "

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

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HB 478, do pass. Report adopted.

BUSINESS AND LABOR (Wilson, Chairman):
SB 395, be concurred in. Report adopted.

3/13/2009

EDUCATION (Grinde, Chairman):
SJR 9, be amended as follows:

3/13/2009

1. Title, page 1, line 6.

Strike: "LOAN"

Insert: "FINANCIAL ASSISTANCE"

2. Page 1, line 22.

Strike: "."

Insert: "; and"

3. Page 1, line 23.

Insert: "WHEREAS, the Montana Higher Education Student Assistance Corporation, the Montana Family Education Savings Program Oversight Committee, the Student Loan Advisory Council, and the Governor's Postsecondary Scholarship Advisory Council each work with and advise the Board of Regents on different aspects of student financial assistance for Montana residents."

4. Page 2, line 8.

Strike: "."

Insert: "; and

(5) the governance structure and efficiency of the boards, committees, and councils that make recommendations to and advise the Board of Regents on student financial assistance programs with a focus on improving efficiencies and effectiveness in the governance models to enhance access to financial resources by Montana resident students."

5. Page 2, line 15.

Strike: "and"

6. Page 2, line 17.

Strike: "."

Insert: "; and

(3) recommendations on a streamlined governance structure of student financial assistance programs that enhance access to financial resources by Montana resident students."

And, as amended, be concurred in. Report adopted.

FISH, WILDLIFE AND PARKS (Van Dyk, Chairman):
SB 184, be concurred in. Report adopted.
SB 185, be concurred in. Report adopted.
SB 188, be concurred in. Report adopted.

3/13/2009

MESSAGES FROM THE SENATE

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House bills concurred in and returned to the House:

3/13/2009

HB 38, introduced by Campbell

HB 46, introduced by Fleming

HB 57, introduced by Bean

HB 101, introduced by Welborn

HB 114, introduced by Henry

HB 149, introduced by Menahan

HB 245, introduced by Ankney

HB 426, introduced by Milburn

House joint resolution concurred in and returned to the House:

3/13/2009

HJR 6, introduced by Lake

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/13/2009

HB 244, introduced by Ankney

HB 308, introduced by Augare

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 653, introduced by Pomnichowski, Erickson, referred to Taxation.

HB 654, introduced by D. Brown, Stahl, referred to Taxation.

Rep. Mendenhall announced that the House Republicans will caucus for 15 minutes.

Rep. French announced that the House Democrats will stand at ease.

Mr. Speaker announced that the House will return at 1:50 p.m.

The House came to order at 2:58 p.m.

MOTIONS

Representative French moved that **HJR 2** be moved to the House Taxation Committee. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative French moved that the House recess in order to form a joint session in order to receive an address by U.S. Representative Rehberg and further that the House adjourn until 8:00 a.m., Saturday, March 14, 2009. Motion carried.

Sgt.-at-Arms Tensely notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Bergren requested Sergeant-at-Arms Tensely to admit the Honorable Senate to the House Chambers.

Speaker Bergren introduced Senate President Story and yielded the chair to him.

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Senate Majority Leader Peterson moved that the body resolve itself into a joint session for the purpose of receiving the address from U.S. Representative, the Honorable Denny Rehberg. Motion carried.

Sgt.-at-Arms Clark announced that the Honored guests await outside the chamber.
President Story directed Sgt.-at-Arms Clark to admit the Honored guests.

Senate Majority Leader Peterson moved the President be authorized to appoint a committee of four to notify U.S. Representative Denny Rehberg that we are in joint session and ready to receive his address. Motion carried.

The President appointed Senator Barkus, Senator Hamlett, Representative Miller, and Representative A. Noonan and discharged the committee to escort The Honorable Representative Denny Rehberg into the House Chambers.

Sgt.-at-Arms Clark announced that U.S. Representative Denny Rehberg awaits outside the Chamber. President Story requested Sergeant-at-Arms Clark to admit the U.S. Representative Denny Rehberg to the House Chambers.

The Committee escorted U.S. Representative Denny Rehberg into the chambers.

President Story introduced U.S. Representative Denny Rehberg.

The Honorable U.S. Representative Denny Rehberg addressed the 61st joint legislative session.

Montana's Congressman
Denny Rehberg
Address to a Joint Session
Montana State Legislature
Helena, Montana
Friday, March 13, 2009

Thank you, Speaker Bergren and President Story. It's always good to be back.

I stand here in admiration and appreciation of all of you in this Legislative body, who serve our great State with such commitment and diligence. I am proud to have been a part of this process. I learned a great deal here. In fact some of those lessons would be helpful to the folks who serve with me in the Congress of the United States.

The way you conduct business in this chamber has distinct advantages over the way things have been done lately in Washington, D.C.. Part of that is because you work in the state you serve, while Washington, D.C. is 2,000 miles away.

Here, you are held accountable for transparency, while in Washington, it's become the norm to negotiate in the dark of night behind closed doors.

That's why I've been in the export business for the last nine years. I've been in the business of exporting some Montana common sense - and some values to boot. And I'll tell you what, you never know when you'll get the opportunity to share a little bit of Montana with someone.

Last September, then-Senator Obama tracked me down on the House floor. He didn't want to talk about the campaign or the economic crisis. He wanted to talk about fly-fishing and his new found love of Montana. He asked me to teach him how to of fly-fish, so I simply told him lesson #1: 10 and 2; 10 and 2.

This story illustrates something we instinctively already know. We know it because we see the number of California license plates on Montana roads every summer (and then most of them quickly heading back south

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when it starts getting cold). The rest of the country sees something special here. They see something they want to be a part of.

And yet, I am also aware the challenges facing our country and the world are as serious as they are real. The well-being of millions of people is at stake. I believe the ideals and values that govern this building are the answer to the bigger problems that impact us all.

What are the lessons of this building? In Montana, we shoot straight, and I mean that literally and figuratively. Just as you are, I'm motivated to do my best for the good of our state and country. I'm guided by my beliefs, the history of our great Nation, my philosophy of government, and by the lessons I learned in this very Chamber. I believe there is clearly a role for government in our lives, but there is also the need for individual responsibility, effort and accountability. I believe in capitalism – free markets – as the economic engine that has provided the greatest material benefits and opportunities for mankind. But I recognize the role of government in preventing or punishing abuses of the system.

And when things get tough, you don't throw your values out the window. That's the time when you need to cling to them the tightest. I'm under no illusions that things aren't tough right now.

In February alone, another 650,000 Americans lost their jobs. Those figures bring total job losses in the last year to a staggering 5 million. The national unemployment rate now stands at the highest level since December of 1983. Some economists think it could hit 10% by the end of next year. And personal wealth of American families has plummeted. Home values are dropping while energy costs are rising and consumer confidence is at an all time low.

But these are just numbers that politicians and economists use to objectively measure the real pain that people are feeling. A few weeks ago, I held a town hall meeting in Kalispell to talk to real Montanans about the economy. I wanted to hear their thoughts and feelings because numbers on an economic spreadsheet don't give you that insight.

More than 300 people filled that room.

And everyone in this room knows what they told me because like me you talk to them every day. They were scared. They were confused. They were angry. They were frustrated.

They were our families, our neighbors and our friends, and while I had to tell them that I didn't have all the answers, I promised them that no one in Washington would work harder to get them the real help they needed. Montanans expect hard work and honesty.

These folks told me in a few hours what economists have been trying to find a formula to express for months. Our economy is in serious trouble and we need to find a way to break the cycle of bad headlines. I'm reminded of what Franklin Delano Roosevelt said in a similar situation. He said, "The only thing we have to fear is fear itself."

What a remarkable statement. It means that fear itself is often the source – not the result – of our problems. In a crisis, any survival manual will tell you that the worst thing you can do is panic. If you find yourself drowning, the worst thing you can do as the water engulfs you is to thrash around in every direction at once.

And yet the best word to describe the recent response in Washington, D.C. has been panic. Almost daily more and more proposals and actions for the federal government to borrow, spend and tax are pushed forward. There have been so many that it can be difficult to keep track of the total dollars involved.

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Remember the Fannie Mae & Freddie Mac Bailout which cost taxpayers \$200 Billion?

Then the Bear Stearns Bailout: \$29 Billion.

The AIG Bailout: \$60 Billion.

The Banking Bailout: \$700 Billion.

We were promised salvation lied in a \$827 Billion stimulus package and a massive \$410 Billion appropriations bill.

And just this week Speaker Pelosi was talking about the next stimulus...

Let me be absolutely clear here. I was just as critical of the Bush Administrations panic-induced policies as I have been of President Obama's.

Last Fall, for example, I voted against President Bush's \$700 Billion TARP proposal to rescue banks in 47 states (Montana was not one of them).

I advocated alternatives. I publically said that there were less drastic solutions. I fought for bipartisan restraint.

But panic ruled the day. Like a drowning swimmer, we were told the consequence of inaction was to sink and drown.

Financial experts like Secretary Paulson, Federal Reserve Chairman Ben Bernanke, and the current Treasury Secretary Tim Geithner, told us that the bailout needed to be passed immediately. And so, like a panicked swimmer, Congress and the White House thrashed about wildly, spent \$700 billion and sank deeper into the water.

By the way, it's important to remember that the no one was advocating inaction. There were measured alternatives that were never given a chance. The idea that it was the bailout or nothing is a false choice that politicians invented to justify their votes to irate constituents back home.

And you all know that I also voted against the \$827 billion stimulus package. Because again, Congress and the White House flailed around like a panicked swimmer, spending too much money on too many programs that have very little chance of stimulating the economy.

I worked on and voted for an alternative stimulus package that focused on tax relief, not only for individuals but for small business as well. In fact, President Obama's own economic analysis showed that our alternative would have created twice as many jobs – for half the cost.

I also asked House leadership to split the bill into two parts – the stimulus proposals in one part that could be quickly adopted, the other proposals for increasing social program spending to be considered more deliberately in the ordinary appropriations process.

But panic again ruled the day, and we continued to deal with the symptoms and not the cause. The \$800 Billion stimulus bill was pushed through the House without so much as a committee hearing. The House even ignored its own rule requiring the bill be put on the internet, so you could see it at least 48 hours before the vote. We were in such a panicked rush, we had only a few hours overnight to look through a 1,074 page bill.

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So I'm not surprised to hear there were miscalculations. A typical example came from right here in Montana where we were told that \$1.3 million taxpayer dollars were going to create 40 new jobs for the Flathead City-County Health Department. Turns out, the money will actually pay another year's salary for ten existing jobs and add only two more jobs during the next year. And while I don't think anyone was intentionally lying, we passed a bill that few understood, so it's not surprising that the numbers aren't panning out. We came up 38 jobs short of the estimate. Where's the accountability in that?

What a contrast to what you do in your appropriations process in Montana. The process is thorough – each line item is scrutinized and transparent. There are few, if any, secrets. When the committee's work is done, all the members of the Legislature have a good understanding of what is being spent and why.

That is a marked difference from the process in the Congress, and, as a result, Congress does not produce as good a product as you do.

I know there are some differences of opinion in Montana over how quickly the legislature should consider its bill regarding the stimulus and how much oversight the legislature should exercise as the money is spent.

With the lack of transparency on this issue at the federal level, and the questionable estimates of the stimulus benefits we've seen, I would encourage you to provide as much public exposure, participation and comment as possible during the legislative process. And I encourage you to do this by creating a broad-based stimulus oversight committee that includes policy-makers and members of the public. As a former Lt. Governor, I know that the executive branch has an inherently different perspective from that of the legislature, regardless of political party. Both perspectives should be involved throughout.

And that brings us to today, in this chamber, where all of us together are charged with plotting a path forward. No one is suggesting that we do nothing, but it's time to rethink the policies of panic. Now, more than ever, we need bipartisan restraint.

Consider this as we look forward to the next major spending battle:

The President's budget for the next fiscal year spends \$3.94 trillion. Almost half of this is deficit spending, creating the largest federal deficit ever – by a huge margin, and building the federal debt to more than \$12 Trillion.

It's difficult to imagine a number as large as a trillion. A trillion dollars is a million million. A one followed by 12 zeros.

It's hard to get our minds around this figure, but here's one way to look at it. If you had a trillion dollars to spend you could buy enough Chevrolet Malibu automobiles to comfortably seat about half the American population.

And the President's budget spends almost four trillion dollars – almost half of it borrowed.

Let's think about it another way. If we borrow the \$1.75 trillion in deficit spending contained in the President's budget, at an interest rate of just 3%, we could pay \$143 million every single day and still never be able to repay the debt. That's right, never. In fact, \$143 million dollars a day wouldn't even cover the interest.

You see, all we seem to be talking about these days is the need for action: pay any price, bear any burden. The need to work together to do – “something”. What's missing is an examination of the consequences of this action. There's no talk of bipartisan restraint. From spending policy to energy policy to tax policy – we need to show some restraint.

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The President's budget calls for trillions of dollars in future spending – such as the \$634 billion “downpayment” in his budget for a yet to be determined “overhaul” of the American healthcare system. On Tuesday, he called for a new massive overhaul of our education system that would spend even more federal dollars in amounts yet to be determined.

And so far, the policies that have been promoted in Washington, D.C. have asked rural states like Montana to subsidize urban states like California. While we all pay for the bank bailout, remember that Montana banks didn't get a penny of TARP funds.

And in the stimulus bill, every California resident received almost twice as much as every Montana resident even though we all pay the same federal taxes. Washington, D.C. is robbing Plentywood to pay Hollywood.

The lack of bipartisan restraint is also creeping into our energy policy in the form of so called “cap and trade” policies.

Let me say right up front that I support a balanced energy plan that includes developing traditional fossil fuels as well as alternatives such as wind, solar and geo-thermal, while at the same time also providing incentives for conservation and the development of new technologies.

These “cap and trade” policies for greenhouse emissions, like the ones advocated in the President's Budget and in the Western Governors Climate Change Initiative, are touted as market-based solutions to the threat of catastrophic climate change.

Unfortunately, the solutions the cap and trade policies offer would increase taxes on traditional energy sources -- like coal, oil and gas -- until they become so expensive that alternatives like wind and solar -- which are currently more costly to consumers -- look like a great deal. Make no mistake about it, this is a carbon tax and some advocates of cap and trade even boast about bankrupting the coal industry.

Now is definitely not the time to be talking about bankrupting any industry – especially one that's currently responsible for more than half of Montana's electricity production. Montana cannot afford to hamstring our own economy, and whether its at the state or federal level, we need to refrain from choosing winners and losers in our energy marketplace.

Finally, the budget would repeal much of the tax relief we passed earlier this decade. Tax relief, by the way, which was not responsible for our current economic situation.

Of course, a large percentage of the taxpayers targeted for an increase are small business owners. By raising their taxes, we are taking away opportunities and incentives for Americans to invest, compete, advance and grow in the private sector. We are strangling the goose that laid the golden egg.

Worse, there are also efforts to limit charitable deductions and mortgage interest deductions for taxpayers. The last thing we should be doing right now is making homeownership more difficult and charitable contributions less advantageous.

If some of these policies don't sound like a good idea to you, you're not alone. Members of Congress from both parties are beginning to realize that thrashing about in a panic is equally as ineffective as doing nothing.

And doing the wrong thing is far more costly.

I know we have some differences of opinion in this room. Reasonable people can disagree. In fact, it's that

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disagreement that gives us strength. It's our ability to keep each other honest that gives democracy its edge.

Our economic situation is not hopeless. We need to rise above Party, but not Principle, in dealing with these issues. We need bipartisan action and we need bipartisan restraint.

As Americans we have more in common than we have differences as Republicans and Democrats and I have always been willing to reach across the aisle to work with anyone that would come to the table.

In fact, just a few weeks ago, when Congress passed the new SCHIP bill, which I crossed party lines to support, I was one of a handful of Republicans invited to the White House for the bill signing ceremony.

You know what the first thing the President said to me when I showed up? He didn't want to talk about SCHIP. He said "Hey, Rehberg, look: 10 and 2; 10 and 2."

And the President's comment is the hope that Montana's values stick with us in Washington, and that somewhere between 10 and 2 we'll find the right answer so we can stop acting like panicked swimmers, begin to tread water, then swim safely to shore. And history tells us that we'll be stronger for the effort.

Thank you for the opportunity to be here today. God bless Montana and God bless America.

President Story thanked U.S. Representative Denny Rehberg and directed the escort committee to escort U.S. Representative Denny Rehberg and the Honored guests from the joint session.

Senate Majority Leader Peterson moved that the joint session of the 61st Legislature, convened to receive the address from U.S. Representative Denny Rehberg, be adjourned. Motion carried.

House adjourned at 2:32 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FIFTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
March 14, 2009

House Chambers
State Capitol

House convened at 8:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Moor. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Phillips, Steenson, Himmelberger, Driscoll and Villa excused. Quorum present.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Milburn, Chairman): 3/14/2009
SB 111, be concurred in. Report adopted.
SB 143, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/14/2009

HB 23, introduced by Himmelberger
HB 39, introduced by Cohenour

Senate bill passed and transmitted to the House for concurrence: 3/14/2009

SB 377, introduced by Perry

House bills concurred in and returned to the House: 3/14/2009

HB 44, introduced by Vincent
HB 70, introduced by Sands
HB 136, introduced by Boland
HB 192, introduced by Taylor
HB 278, introduced by McChesney

MESSAGES FROM THE GOVERNOR

March 13, 2009

The Honorable Bob Bergren
Speaker of the House
Montana House of Representatives
State Capitol
Helena, Montana 59601

Dear Speaker Bergren:

Today I signed the following Senate Bills and delivered them to the Office of the Secretary of State.

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House Bill 2 sponsored by Representative Cooney
House Bill 24 sponsored by Representative Williams
House Bill 29 sponsored by Representative Wanzenried
House Bill 43 sponsored by Representative Kaufmann

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 377, introduced by Perry, referred to Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ingraham in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 438 - Representative Augare moved **SB 438** be concurred in.

SB 438 - Representative B. Beck moved **SB 438**, second reading copy, be amended as follows:

1. Page 1, line 30 through page 2, line 1.

Strike: "including" on page 1, line 30 through "taurine" on page 2, line 1

Insert: "as defined by the department by rule based on conclusive scientific findings"

2. Page 2, line 7 through line 8.

Strike: "including" on line 7 through "taurine" on line 8

Insert: "as defined by the department by rule based on conclusive scientific findings"

Amendment **failed** as follows:

Yeas: Arntzen, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Glaser, Hawk, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Jones, Jopek, Kasten, Kerns, Klock, Lake, MacLaren, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Randall, Regier, Reichner, Roberts, Sales, Sesso, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Welborn, Wiseman.

Total 45

Nays: Ankney, Augare, Barrett, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hunter, Ingraham, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Miller, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Smith, Steenson, Stoker, Van Dyk, Villa, Washburn, Wilmer, Wilson, Mr. Speaker.

Total 52

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Excused: Brown, Himmelberger.
Total 2

Absent or not voting: Nooney.
Total 1

SB 438 - Representative Augare moved **SB 438** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Hollenbaugh, Hoven, Hunter, Kottel, MacDonald, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Smith, Stahl, Stoker, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 54

Nays: Ankney, Arntzen, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Brown, Butcher, Glaser, Hawk, Hiner, Hollandsworth, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Lake, MacLaren, McClafferty, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Randall, Roberts, Sales, Sesso, Sonju, Steenson, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 44

Excused: Himmelberger.
Total 1

Absent or not voting: Nooney.
Total 1

HB 80 - Senate Amendments - Representative Kottel moved Senate amendments to **HB 80** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 82

Nays: Bean, Berry, Blasdel, Boniek, Butcher, Hawk, Kasten, Lake, Miller, More, Randall, Regier, Sales, Sonju, Vincent, Wagner.
Total 16

Excused: Himmelberger.
Total 1

Absent or not voting: Nooney.
Total 1

HB 480 - Representative Pomnichowski moved **HB 480** do pass. Motion carried as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 82

Nays: B. Beck, Blasdel, Butcher, Hawk, Kasten, Lake, McGillvray, Mendenhall, Morgan, Peterson, Randall, Reichner, Sales, Smith, Sonju, Vance.

Total 16

Excused: Himmelberger, Nooney.

Total 2

Absent or not voting: None.

Total 0

SB 77 - Representative Sands moved **SB 77** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 83

Nays: Bennett, Berry, Boniek, Hawk, Kasten, Kerns, Mendenhall, Miller, Morgan, Randall, Regier, Reichner, Roberts, Sales, Stahl.

Total 15

Excused: Himmelberger, Nooney.

Total 2

Absent or not voting: None.

Total 0

SB 150 - Representative P. Beck moved **SB 150** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 70

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Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Vance, Vincent, Wagner.

Total 28

Excused: Himmelberger, Nooney.

Total 2

Absent or not voting: None.

Total 0

SJR 5 - Representative French moved **SJR 5** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 56

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Caferro, Hawk, Hendrick, Hollandsworth, Hoven, Howard, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, Morgan, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Washburn, Welborn.

Total 42

Excused: Himmelberger, Nooney.

Total 2

Absent or not voting: None.

Total 0

SJR 6 - Representative Warburton moved **SJR 6** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Howard, Ingraham, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McGillvray, Menahan, Milburn, More, P. Noonan, O'Hara, Pease-Lopez, Phillips, Reinhart, Roundstone, Sands, Stahl, Steenson, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 55

Nays: Ankney, Barrett, Bean, B. Beck, Berry, Blasdel, Boniek, Boss Ribs, Butcher, Getz, Glaser, Hawk, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Lake, McChesney, McNutt, Mehlhoff, Mendenhall, Miller, Morgan, A. Noonan, Peterson, Pomnichowski, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Welborn.

Total 43

Excused: Himmelberger, Nooney.

Total 2

Absent or not voting: None.

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Total 0

SJR 16 - Representative Berry moved **SJR 16** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Brown, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Reichner, Reinhart, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 56

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Boss Ribs, Butcher, Dickenson, Glaser, Hands, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Pomnichowski, Randall, Regier, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 42

Excused: Himmelberger, Nooney.

Total 2

Absent or not voting: None.

Total 0

HB 12 - Representative Wilmer moved **HB 12** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Boniek, Kerns, Lake, Mendenhall, Miller, Peterson, Randall, Wagner.

Total 8

Excused: Himmelberger, Nooney.

Total 2

Absent or not voting: None.

Total 0

HB 85 - Representative Sands moved **HB 85** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips,

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Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 83

Nays: Bennett, Boniek, Howard, Ingraham, Kasten, Kerns, Mendenhall, More, Morgan, Peterson, Randall, Regier, Sales, Smith, Wagner.
Total 15

Excused: Himmelberger, Nooney.
Total 2

Absent or not voting: None.
Total 0

HB 135 - Representative Belcourt moved **HB 135** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.
Total 87

Nays: Bennett, Hawk, Howard, Kasten, Kerns, Lake, Mendenhall, Morgan, Randall, Sales.
Total 10

Excused: Himmelberger, Nooney.
Total 2

Absent or not voting: Wilson.
Total 1

HB 143 - Representative McAlpin moved **HB 143** do pass.

HB 143 - Representative Welborn moved **HB 143**, second reading copy, be amended as follows:

1. Page 1, line 19.

Following: "practices,"

Strike: "OR"

Following: "CHURCHES"

Insert: "or their integrated auxiliaries, or conventions or associations of churches"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More,

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Morgan, A. Noonan, P. Noonan, O'Hara, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Mendenhall.

Total 1

Excused: Brown, Driscoll, Himmelberger, Nooney, Pease-Lopez, Phillips, Steenson, Villa.

Total 8

Absent or not voting: None.

Total 0

HB 143 - Representative McAlpin moved **HB 143** as amended, do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 56

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 42

Excused: Himmelberger, Nooney.

Total 2

Absent or not voting: None.

Total 0

HB 161 - Representative Augare moved **HB 161** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Bean, Boniek, Hawk, Kasten, Kerns, Lake, Morgan, Peterson.

Total 8

Excused: Himmelberger, Nooney.

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Total 2

Absent or not voting: Augare, Boss Ribs, Roberts.

Total 3

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Ingraham moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Berry, Blewett, Boland, Butcher, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Becker, Bennett, Blasdel, Boniek, Hawk, Hendrick, Kasten, Lake, Miller, Peterson, Randall, Sales, Van Dyk, Vincent.

Total 14

Excused: Brown, Driscoll, Himmelberger, Nooney, Pease-Lopez, Phillips, Steenson, Villa.

Total 8

Absent or not voting: Ankney, Boss Ribs, Ingraham, McClafferty, Roberts, Welborn.

Total 6

ANNOUNCEMENTS

Representative Campbell moved that the House adjourn until 9:30 a.m., Monday, March 16, 2009. Motion carried.

House adjourned at 9:38 a.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FIFTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
March 16, 2009

House Chambers
State Capitol

House convened at 9:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Driscoll. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representative Steenson, excused. Quorum present.

Mr. Speaker introduced the pages for the week

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman): 3/16/2009
HJR 33, be adopted. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 3/16/2009

HB 27, introduced by Wiseman
HB 285, introduced by Reinhart

House joint resolution concurred in and returned to the House: 3/16/2009

HJR 29, introduced by Becker

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 12 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Bennett, Boniek, Howard, Kerns, Lake, Mendenhall, Miller, More, Peterson, Randall, Wagner.

Total 11

Excused: None.

Total 0

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Absent or not voting: Hamilton, Nooney.

Total 2

HB 80 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: Bean, B. Beck, Berry, Blasdel, Boniek, Butcher, Hawk, Kasten, Lake, Miller, More, Randall, Regier, Sales, Sonju, Vincent, Wagner, Warburton.

Total 18

Excused: None.

Total 0

Absent or not voting: Hamilton.

Total 1

HB 85 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 82

Nays: Bennett, Boniek, Himmelberger, Ingraham, Kasten, Kerns, McGillvray, Mendenhall, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Wagner.

Total 17

Excused: None.

Total 0

Absent or not voting: Hamilton.

Total 1

HB 135 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz,

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Glaser, Grinde, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Bean, Bennett, Boniek, Hawk, Kasten, Kerns, Lake, McGillvray, Morgan, Randall, Sales.

Total 11

Excused: None.

Total 0

Absent or not voting: Hamilton.

Total 1

HB 143 passed as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 53

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 46

Excused: None.

Total 0

Absent or not voting: Hamilton.

Total 1

HB 161 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Bean, Boniek, Hawk, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, Peterson, Randall, Sales.

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Total 12

Excused: None.

Total 0

Absent or not voting: Hamilton.

Total 1

HB 480 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: B. Beck, Blasdel, Boniek, Butcher, Hawk, Jones, Kasten, Lake, McGillvray, Mendenhall, Nooney, Peterson, Randall, Sales, Smith, Sonju, Vance, Wagner.

Total 18

Excused: None.

Total 0

Absent or not voting: Hamilton.

Total 1

SB 77 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: B. Beck, Berry, Boniek, Brown, Hawk, Kasten, Kerns, Mendenhall, Miller, Morgan, Randall, Regier, Reichner, Sales, Sonju, Wagner, Welborn.

Total 17

Excused: None.

Total 0

Absent or not voting: Hamilton, Ingraham.

Total 2

SB 150 concurred in as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 67

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Vance, Vincent, Wagner, Warburton, Welborn.
Total 32

Excused: None.
Total 0

Absent or not voting: Hamilton.
Total 1

SB 438 concurred in as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hands, Hendrick, Henry, Hollenbaugh, Hoven, Hunter, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Morgan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Smith, Stoker, Van Dyk, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 54

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Glaser, Hawk, Himmelberger, Hiner, Hollandsworth, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Lake, MacLaren, McNutt, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, Randall, Roberts, Sales, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Welborn.
Total 45

Excused: None.
Total 0

Absent or not voting: Hamilton.
Total 1

SJR 5 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 60

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger,

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Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Welborn.
Total 39

Excused: None.
Total 0

Absent or not voting: Hamilton.
Total 1

SJR 6 concurred in as follows:

Yeas: Augare, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Howard, Hunter, Ingraham, Jopek, Kerns, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 65

Nays: Ankney, Arntzen, Barrett, Bean, Berry, Blasdel, Boniek, Brown, Getz, Hawk, Himmelberger, Hollandsworth, Hoven, Jones, Kasten, Klock, Lake, McNutt, Mendenhall, Miller, Morgan, Nooney, Pomnichowski, Randall, Regier, Roberts, Sales, Smith, Stoker, Taylor, Vance, Vincent, Wagner, Welborn.
Total 34

Excused: None.
Total 0

Absent or not voting: Hamilton.
Total 1

SJR 16 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Reinhart, Roberts, Sands, Sesso, Steenson, Stoker, Van Dyk, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 58

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hands, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Pomnichowski, Randall, Regier, Reichner, Roundstone, Sales, Smith, Sonju, Stahl, Taylor, Vance, Villa, Vincent, Wagner, Welborn.
Total 41

Excused: None.
Total 0

Absent or not voting: Hamilton.

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Total 1

Rep. Phillips announced that the Democrats will caucus for 15 minutes.
Rep. Mendenhall announced that the Republicans will caucus for 15 minutes.
Mr. Speaker announced that the House will recess until 10:10 a.m.
The House was called to order at 10:21 a.m.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wiseman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Representative Sesso introduced **HB 2** - The 2010 - 2011 budget bill to the House Committee as a Whole it is divided into five sections, the sections are as follows:

Section A - General Government

Section B - Health and Human Services

Section C - Long Range Planning

Section D - Corrections

Section E - Education

Section R - All Remaining Amendments

Section A - General Government

HB 2 - Representative McChesney introduced **Section A** - General Government

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page A-2, line 5.

Strike: "111,784 112,102" [general fund FY 10 and FY 11]

Insert: "86,784 87,102" [general fund FY 10 and FY 11]

Amendment **failed** as follows:

en, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hendrick, Himmelberger, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 35

Nays: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 65

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page A-2.

Strike: line 6 through line 7 in their entirety

Amendment **failed** as follows:

Yeas: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 37

Nays: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 63

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page A-2, line 9.

Strike: "1,645,347" [general fund FY 11]

Insert: "1,630,347" [general fund FY 11]

Amendment **failed** as follows:

Yeas: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Randall, Regier, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 34

Nays: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 66

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page A-6, line 2.

Strike: "10,742,100 10,715,603" [general fund in FY 2010 and FY 2011]

Insert: "9,907,343 9,932,846" [general fund in FY 2010 and FY 2011]

2. Page A-6.

Strike: line 16 through line 17 in their entirety

Amendment **failed** as follows:

Yeas: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 37

Nays: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 63

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page A-6, line 2.

Strike: "10,742,100 10,715,603" [general fund in FY 2010 and FY 2011]

Insert: "10,292,100 10,265,603" [general fund in FY 2010 and FY 2011]

Amendment **failed** as follows:

Yeas: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hendrick, Himmelberger, Howard,

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Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Sales, Smith, Sonju, Stahl, Stoker, Vance, Vincent, Wagner, Warburton, Washburn.

Total 35

Nays: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 65

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page A-6, line 2.

Strike: "10,742,100 10,715,603" [general fund in FY 2010 and FY 2011]

Insert: "10,684,459 10,657,855" [general fund in FY 2010 and FY 2011]

Amendment **failed** as follows:

Yeas: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 36

Nays: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 63

Excused: None.

Total 0

Absent or not voting: Howard.

Total 1

HB 2 - Representative Bergren moved to close on **Section A**. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton,

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Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 67

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 32

Excused: None.

Total 0

Absent or not voting: Villa.

Total 1

HB 2 - Representative Bergren withdrew his motion.

HB 2 - Section A opened up for discussion.

HB 2 - Representative Bergren moved to close on **Section A**. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 65

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Sales, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 31

Excused: None.

Total 0

Absent or not voting: Hollenbaugh, Smith, Villa, Welborn.

Total 4

The House recessed for 30 minutes at 12:45 p.m.

The House came to order at 1:15 p.m.

Section B - Health and Human Services

HB 2 - Representative Henry introduced **Section B** - Health and Human Services

HB 2 - Representative McGillvray moved **HB 2**, second reading copy, be amended as follows:

1. Page B-1.

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Strike: lines 11 through 14 in their entirety
Renumber: subsequent subsection

2. Page B-2.

Strike: lines 19 through 22 in their entirety

3. Page B-3, line 21 through line 2 on page B-4.

Strike: lines 21 through 22 on page B-3 through line 2 on page B-4 in their entirety

Renumber: subsequent subsections

4. Page B-5.

Strike: line 8 in its entirety

Amendment **failed** as follows:

Yeas: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.

Total 33

Nays: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 65

Excused: Vincent.

Total 1

Absent or not voting: Butcher.

Total 1

HB 2 - Representative Henry moved to close on **Section B**. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 66

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Hawk, Hendrick, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Stahl, Stoker, Vance, Wagner, Warburton, Washburn.

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Total 32

Excused: Vincent.

Total 1

Absent or not voting: Sonju.

Total 1

Section C - Long Range Planning

HB 2 - Representative Hollenbaugh introduced **Section C** - Long Range Planning

HB 2 - Representative Sesso moved to close on **Section C**. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Vance, Van Dyk, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 71

Nays: B. Beck, Bennett, Blasdel, Boniek, Brown, Hawk, Hendrick, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Randall, Regier, Reichner, Smith, Sonju, Stahl, Stoker, Taylor, Wagner, Warburton, Washburn.

Total 25

Excused: Vincent.

Total 1

Absent or not voting: Nooney, Sales, Villa.

Total 3

Section D - Judicial Branch, Law Enforcement and Justice

HB 2 - Representative Hawk introduced **Section D** - Judicial Branch, Law Enforcement and Justice

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page D-3, line 15.

Strike: "5,465,635 5,476,475" [general fund FY 2010 and FY 2011]

Insert: "5,323,962 5,340,002" [general fund FY 2010 and FY 2011]

Amendment **failed** as follows:

Yeas: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.

Total 33

Nays: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton,

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Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 64

Excused: Vincent.

Total 1

Absent or not voting: Butcher, Villa.

Total 2

HB 2 - Representative Hawk moved **HB 2**, second reading copy, be amended as follows:

1. Page D-1.

Following: line 22

Insert: "If Senate Bill No. 158 is not passed and approved, the general fund appropriation for Supreme Court Operations is reduced from \$9,485,644 to \$8,925,317 in fiscal year 2011."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Glaser.

Total 1

Excused: Vincent.

Total 1

Absent or not voting: None.

Total 0

HB 2 - Representative Hawk moved **HB 2**, second reading copy, be amended as follows:

1. Page D-3, line 13.

Strike: "23,491,799 23,572,171" [state special fund FY 2010 and FY 2011]

Insert: "27,960,020 28,053,335" [state special fund FY 2010 and FY 2011]

2. Page D-4.

Following: line 10

Insert: "If Senate Bill No. 117 is not passed and approved, state special revenue for Highway Patrol Division is decreased by \$4,468,221 in fiscal year 2010 and by \$4,481,164 in fiscal year 2011."

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Amendment adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Glaser.
Total 1

Excused: Vincent.
Total 1

Absent or not voting: Himmelberger, Nooney, Reinhart.
Total 3

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page D-2, line 19.

Strike: "5,425,392 5,496,083"	[general fund FY 2010 and FY 2011]
Insert: "5,247,255 5,258,567"	[general fund FY 2010 and FY 2011]
Strike: "459,773 487,159"	[state special fund FY 2010 and FY 2011]
Insert: "383,520 385,489"	[state special fund FY 2010 and FY 2011]
Strike: "566,913 570,462"	[federal special fund FY 2010 and FY 2011]
Insert: "557,524 557,943"	[federal special fund FY 2010 and FY 2011]

Amendment **failed** as follows:

Yeas: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.
Total 35

Nays: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 64

Excused: Vincent.
Total 1

Absent or not voting: None.

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Total 0

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page D-2, line 19.

Strike: "5,425,392 5,496,083" [general fund FY 2010 and FY 2011]

Insert: "5,225,392 5,296,083" [general fund FY 2010 and FY 2011]

Amendment **failed** as follows:

Yeas: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.

Total 33

Nays: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 65

Excused: Vincent.

Total 1

Absent or not voting: Arntzen.

Total 1

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page D-2, line 3.

Strike: "1,489,894 1,492,414" [general fund FY 2010 and FY 2011]

Insert: "1,402,394 1,404,914" [general fund FY 2010 and FY 2011]

Amendment **failed** as follows:

Yeas: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.

Total 35

Nays: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 64

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Excused: Vincent.
Total 1

Absent or not voting: None.
Total 0

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page D-1, line 19.

Strike: "471,815 472,001" [general fund FY 2010 and FY 2011]

Insert: "456,815 457,001" [general fund FY 2010 and FY 2011]

Amendment **failed** as follows:

Yeas: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.
Total 34

Nays: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 65

Excused: Vincent.
Total 1

Absent or not voting: None.
Total 0

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page D-5, line 6.

Strike: "19,340,847 19,196,683" [general fund FY 2010 and FY 2011]

Insert: "18,633,557 18,493,453" [general fund FY 2010 and FY 2011]

Amendment **failed** as follows:

Yeas: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.
Total 35

Nays: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel,

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MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 64

Excused: Vincent.
Total 1

Absent or not voting: None.
Total 0

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page D-6.
Strike: line 5 through line 6 in their entirety
Renumber: subsequent subsections

Amendment **failed** as follows:

Yeas: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Getz, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.
Total 34

Nays: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 65

Excused: Vincent.
Total 1

Absent or not voting: None.
Total 0

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page D-6.
Strike: line 7 through line 8
Renumber: subsequent subsections

Amendment **failed** as follows:

Yeas: Arntzen, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.
Total 33

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Nays: Ankney, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 66

Excused: Vincent.
Total 1

Absent or not voting: None.
Total 0

HB 2 - Representative Hiner moved to close on **Section D**. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 72

Nays: B. Beck, Bennett, Blasdel, Boniek, Brown, Howard, Ingraham, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.
Total 26

Excused: Vincent.
Total 1

Absent or not voting: Villa.
Total 1

Section E - Education

HB 2 - Representative Villa introduced **Section E** - Education

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page E-1, line 4.

Strike: "9,279,343 9,334,442" [general fund FY10 FY11]

Insert: "9,029,343 9,084,442" [general fund FY 10 FY11]

Amendment **failed** as follows:

Yeas: B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall,

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Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.
Total 35

Nays: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 64

Excused: Vincent.
Total 1

Absent or not voting: None.
Total 0

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page E-3, line 4.
Strike: "225,710 228,257" [general fund FY10 FY11]
Insert: "198,937 201,175" [general fund FY10 FY11]

Amendment **failed** as follows:

Yeas: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.
Total 38

Nays: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 61

Excused: Vincent.
Total 1

Absent or not voting: None.
Total 0

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page E-3, line 4.
Strike: "225,710 228,527" [general fund FY10 FY11]
Insert: "224,410 226,957" [general fund FY10 FY11]

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Amendment **failed** as follows:

Yeas: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.
Total 36

Nays: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 63

Excused: Vincent.
Total 1

Absent or not voting: None.
Total 0

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page E-3, line 4.
Strike: "225,710 228,527" [general fund FY10 FY11]
Insert: "223,911 224,619" [general fund FY10 FY11]

Amendment **failed** as follows:

Yeas: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Randall, Regier, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Washburn.
Total 34

Nays: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 64

Excused: Vincent.
Total 1

Absent or not voting: Reichner.
Total 1

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

STATE INTERNET/BBS COPY

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1. Page E-3, line 4.

Strike: "225,710 228,257" [general fund FY10 FY11]

Insert: "222,213 224,760" [general fund FY10 FY11]

Strike: "186,049 185,632" [state special fund FY10 FY11]

Insert: "182,552 182,135" [state special fund FY10 FY11]

Amendment **failed** as follows:

Yeas: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.
Total 37

Nays: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 62

Excused: Vincent.
Total 1

Absent or not voting: None.
Total 0

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page E-4, line 12.

Strike: "863,530 863,523" [state special fund FY10 FY11]

Insert: "803,530 803,523" [state special fund FY10 FY11]

Amendment **failed** as follows:

Yeas: B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Taylor, Vance, Wagner, Washburn.
Total 28

Nays: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson,

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Wiseman, Mr. Speaker.
Total 71

Excused: Vincent.
Total 1

Absent or not voting: None.
Total 0

HB 2 - Representative Sales moved **HB 2**, second reading copy, be amended as follows:

1. Page E-6, line 6.

Strike: "13,142,896 13,671,773" [general fund FY10 and FY11]

Insert: "10,979,924 10,979,927" [general fund FY10 and FY11]

Amendment **failed** as follows:

Yeas: B. Beck, Bennett, Blasdel, Boniek, Brown, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.
Total 31

Nays: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 68

Excused: Vincent.
Total 1

Absent or not voting: None.
Total 0

HB 2 - Representative Villa moved close of **Section E**. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 69

Nays: B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.

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Total 30

Excused: Vincent.

Total 1

Absent or not voting: None.

Total 0

HB 2 - Mr. Speaker moved to close on **Section R**. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 73

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Hawk, Hendrick, Howard, Kasten, Kerns, Lake, Mendenhall, Miller, Peterson, Randall, Regier, Smith, Stahl, Stoker, Taylor, Wagner, Warburton.

Total 24

Excused: Vincent.

Total 1

Absent or not voting: Sales, Sonju.

Total 2

HB 2 - Representative Sesso moved for cloture on **HB 2** in its entirety. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 64

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.

Total 35

Excused: Vincent.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed.

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Mr. Speaker in the chair. Chairman Wiseman moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 70

Nays: B. Beck, Blasdel, Boniek, Butcher, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Sales, Smith, Sonju, Stahl, Taylor, Vance, Wagner, Warburton.

Total 27

Excused: Vincent.

Total 1

Absent or not voting: Bennett, Jopek.

Total 2

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):

3/16/2009

HB 3, introduced bill, be amended as follows:

1. Page 1.

Following: line 23

Insert: "Department of Justice

Montana Highway Patrol	\$175,000	General Fund
Office of Public Defender		
Appellate Defender	\$292,000	General Fund
Office of Public Instruction		
Pupil Transportation	\$360,000	General Fund"

2. Page 1.

Strike: line 24 through line 26 in their entirety

3. Page 1.

Following: line 26

Insert: "Commissioner of Political Practices \$36,000 General Fund"

And, as amended, do pass. Report adopted.

HB 4, introduced bill, be amended as follows:

STATE INTERNET/BBS COPY

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1. Page 1, line 21.

Strike: "District"

Insert: "Supreme"

2. Page 1, line 22.

Following: "for"

Insert: "the 2008"

Following: "and"

Insert: "the 2008"

3. Page 1.

Following: line 23

Insert: "All remaining fiscal year 2009 federal budget amendment authority for the 2009 court improvement training grant and the 2009 court improvement data share grant is authorized to continue into federal fiscal year 2011. District Court Operations"

4. Page 1, line 29.

Following: "vote"

Insert: "and the help America vote part II grant"

5. Page 2.

Following: line 2

Insert: "All remaining fiscal year 2009 federal budget amendment authority for the crime prevention grant is authorized to continue into state fiscal year 2010."

6. Page 2.

Strike: line 8 through line 10 in their entirety

7. Page 2.

Following: line 22

Insert: "Education

Obscene in the extreme FY 2009 \$638 federal

All remaining fiscal year 2009 federal budget amendment authority for the teaching with primary sources enhancement grant is authorized to continue into state fiscal year 2010."

8. Page 2, line 30.

Following: "the"

Insert: "prevention of aquatic nuisance species boat inspections grant, the"

9. Page 3, line 2 through line 3.

Strike: "the challenge" on line 2 through "grant," on line 3

10. Page 3.

Following: line 5

Insert: "All remaining fiscal year 2009 federal budget amendment authority for the Goose Creek renovation grant and the inventory of water diversions in western Montana grant is authorized to continue into state fiscal year 2011."

11. Page 3.

Following: line 13

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Insert: "All remaining fiscal year 2009 federal budget amendment authority for the tip Montana grant is authorized to continue into state fiscal year 2010."

12. Page 3, line 17 through line 18.

Strike: "the" on line 17 through "and" on line 18

Following: "range grant" on line 18

Insert: "and the Kootenai Tribe sub grant"

13. Page 3, line 23.

Following: "for"

Insert: "the development of projects to restore, protect, and enhance wetland areas in northeastern Montana,"

14. Page 4, line 6.

Following: "for"

Insert: "the documentation of the agricultural and timber sectors of Montana's economy grant and"

15. Page 4.

Strike: line 20 through line 22 in their entirety

16. Page 4, line 26.

Following: "for"

Insert: "the counter-terror grant and"

17. Page 5.

Following: line 7

Insert: "Department of Livestock

Centralized Services Program

All remaining fiscal year 2009 dedicated private funds budget amendment authority for the compensation to livestock owners for losses of livestock due to wolf predation is authorized to continue into federal fiscal year 2011."

18. Page 5.

Following: line 22

Insert: "All remaining fiscal year 2009 federal budget amendment authority for the forest restoration grant is authorized to continue into state fiscal year 2011."

19. Page 5, line 23.

Following: "for"

Insert: "the northwestern Montana prescribed burn assistance grant, the southwestern Montana prescribed burn assistance grant,"

20. Page 5.

Following: line 28

Insert: "All remaining fiscal year 2009 federal budget amendment authority for the purchase of enhanced technology for tribal and urban E911 phone systems is authorized to continue into state fiscal year 2010."

21. Page 6.

Following: line 7

Insert: "All remaining fiscal year 2009 federal budget amendment authority for the specialty crop block grant is authorized to continue into state fiscal year 2011."

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22. Page 6.

Following: line 13

Insert: "Community Development Program

All remaining fiscal year 2009 federal budget amendment authority for the community development disaster block grant is authorized to continue into state fiscal year 2010.

All remaining fiscal year 2009 federal budget amendment authority for the neighborhood stabilization program grant is authorized to continue into federal fiscal year 2011."

23. Page 6.

Following: line 14

Insert: "All remaining fiscal year 2009 federal budget amendment authority for the foreclosure mitigation grant is authorized to continue into state fiscal year 2010."

24. Page 6, line 20.

Following: "for"

Insert: "the Stimson Lumber dislocated workers national emergency grant, the workforce incentive grant, and"

25. Page 6.

Following: line 21

Insert: "All remaining fiscal year 2009 federal budget amendment authority for the Flathead County dislocated workers national emergency grant is authorized to continue into federal fiscal year 2010.

Unemployment Insurance Division

All remaining fiscal year 2009 federal budget amendment authority for the emergency unemployment compensation grant is authorized to continue into state fiscal year 2011."

26. Page 6, line 28.

Strike: "the 2007 predisaster mitigation competitive grant,"

27. Page 6, line 30.

Following: "for"

Insert: "the 2007 pre-disaster mitigation competitive grant,"

28. Page 7, line 1.

Following: the first "grant"

Insert: ", "

29. Page 7, line 3.

Following: "for"

Insert: "the 2008 pre-disaster mitigation competitive grant,"

30. Page 7, line 8.

Following: "for"

Insert: "the home heating and weatherization program and"

31. Page 7, line 10.

Strike: "state"

Insert: "federal"

32. Page 7.

Following: line 12

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Insert: "Director's Office

All remaining fiscal year 2009 federal budget amendment authority for the Medicaid infrastructure grant is authorized to continue into state fiscal year 2011."

And, as amended, do pass. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:30 a.m., Tuesday, March 17, 2009. Motion carried.

House adjourned at 5:50 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
FIFTY-NINTH LEGISLATIVE DAY**

Helena, Montana
March 17, 2009

House Chambers
State Capitol

House convened at 8:30 a.m. Mr. Speaker in the Chair. Invocation by Rep. Jones. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

MESSAGES FROM THE SENATE

Senate bills House amendments not concurred in:

SB 74 - The Senate failed to concur in House amendments to **SB 74**, introduced by Laible 3/17/2009

House bills concurred in and returned to the House: 3/17/2009

HB 82, introduced by Driscoll

HB 118, introduced by Klock

HB 137, introduced by McNutt

HB 203, introduced by Miller

HB 294, introduced by MacLaren

HB 311, introduced by Blasdel

HB 383, introduced by Arntzen

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/17/2009

HB 179, introduced by Villa

HB 288, introduced by Kerns

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 655, introduced by Belcourt, Hamlett, Zinke, Jopek, D. Brown, Kasten, Branae, Ripley, Steinbeisser, Getz, Roundstone, Mehlhoff, McClafferty, Ankney, Fleming, Vincent, Wagner, Boland, Cohenour, Bennett, Larsen, referred to Appropriations.

HB 656, introduced by Stahl, referred to Business and Labor.

HB 657, introduced by Stahl, referred to Taxation.

HB 658, introduced by Jopek, Gebhardt, Lake, Pomnichowski, Essmann, Gillan, referred to Taxation.

MOTIONS

Rep. Campbell moved to suspend the rules in order to place **HB 2** on 3rd reading for this the 59th Legislative Day. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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HB 2 passed as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 65

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.
Total 35

Excused: None.
Total 0

Absent or not voting: None.
Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNutt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 244 - Senate Amendments - Representative Ankney moved Senate amendments to **HB 244** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 95

Nays: Miller, Sales, Wagner.
Total 3

Excused: None.
Total 0

Absent or not voting: Menahan, Mr. Speaker.
Total 2

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HB 308 - Senate Amendments - Representative Augare moved Senate amendments to **HB 308** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Vance, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Butcher, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, Peterson, Randall, Regier, Sales, Smith, Sonju, Stoker, Taylor, Vincent, Wagner, Washburn, Welborn.

Total 27

Excused: None.

Total 0

Absent or not voting: Brown.

Total 1

HB 15 - Representative Villa moved **HB 15** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Bennett, Blasdel, Boniek, Hawk, Kasten, Kerns, More, Randall, Sales, Taylor, Vance, Wagner.

Total 12

Excused: None.

Total 0

Absent or not voting: P. Noonan.

Total 1

HB 211 - Representative Welborn moved **HB 211** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney,

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O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Bean, Boniek, Butcher, Caferro, Hawk, Hendrick, Kasten, Kerns, Lake, McGillvray, Reichner, Sales.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 262 - Representative Ebinger moved **HB 262** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Kasten, Kerns, McGillvray, Randall, Sales.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 315 - Representative Blewett moved **HB 315** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 91

Nays: Boniek, Brown, Kasten, Kerns, More, Roberts, Sales, Wagner, Mr. Speaker.

Total 9

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 356 - Representative Wagner moved **HB 356** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Reichner, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 80

Nays: Augare, Cohenour, Driscoll, Hands, Hawk, Henry, Hiner, Hollenbaugh, Jopek, Kottel, McClafferty, A. Noonan, P. Noonan, Phillips, Regier, Reinhart, Sesso, Steenson, Villa, Mr. Speaker.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 413 - Representative K. Peterson moved **HB 413** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sands, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman.

Total 75

Nays: Augare, Belcourt, Blasdel, Boniek, Caferro, Campbell, French, Hawk, Hiner, Hollenbaugh, Jopek, Kasten, Kerns, Kottel, McClafferty, Mehlhoff, A. Noonan, P. Noonan, Pease-Lopez, Roberts, Sales, Sesso, Sonju, Wilson, Mr. Speaker.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 440 - Representative Mendenhall moved **HB 440** do pass. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick,

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Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 50

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 499 - Representative French moved **HB 499** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: Bean, Blasdel, Butcher, Hawk, Ingraham, Kasten, Kerns, Lake, Mendenhall, Miller, More, Morgan, Randall, Regier, Sales, Sonju, Stoker, Vance, Wagner.

Total 19

Excused: None.

Total 0

Absent or not voting: Reichner.

Total 1

HB 585 - Representative McClafferty moved **HB 585** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 70

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Nays: B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hollandsworth, Hoven, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Sales, Stoker, Taylor, Vance, Vincent, Wagner.

Total 29

Excused: None.

Total 0

Absent or not voting: Reichner.

Total 1

HB 629 - Representative Glaser moved **HB 629** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Kerns, Malek, Miller, Stoker.

Total 4

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

HB 631 - Representative Blewett moved **HB 631** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 76

Nays: Ankney, Bean, B. Beck, Bennett, Boniek, Brown, Butcher, Caferro, Hawk, Hendrick, Hollandsworth, Kasten, Kerns, Klock, Lake, McGillvray, Randall, Regier, Reichner, Roberts, Sales, Smith, Wagner, Mr. Speaker.

Total 24

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 635 - Representative McChesney moved **HB 635** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 90

Nays: Boniek, Kerns, Lake, McGillvray, Miller, Randall, Sales, Stoker, Taylor, Wagner.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 636 - Representative Dickenson introduced **HB 636**.

HB 636 - Representative Dickenson moved **HB 636**, second reading copy, be amended as follows:

1. Page 1, line 13.

Strike: "ADJUSTED GROSS INCOME OR"

2. Page 1, line 14.

Following: "from"

Insert: "adjusted gross income or"

3. Page 1, line 27.

Strike: "TWO"

Insert: "six"

4. Page 1, line 28.

Strike: "AND"

5. Page 1, line 29.

Following: "ASSOCIATION"

Insert: ", and have obtained the approval by vote of at least 51% of the residents of the mobile home park to purchase the mobile home park"

Amendment adopted as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz,

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Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 84

Nays: Ankney, B. Beck, Boniek, Hawk, Hollandsworth, MacLaren, Mendenhall, More, Nooney, Sales, Stahl, Vance, Wagner, Warburton, Washburn, Welborn.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 636 - Representative Dickenson moved **HB 636** as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 65

Nays: Ankney, B. Beck, Bennett, Boniek, Brown, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Ingraham, Jones, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Stoker, Vance, Wagner, Warburton, Washburn, Welborn.
Total 35

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 33 - Representative Bergren introduced **HJR 33**.

Representative Phillips moved cloture on **HJR 33**. Motion carried.

HJR 33 - Representative Bergren moved **HJR 33** be adopted. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 59

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Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Ingraham, Jones, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 59

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Ingraham, Jones, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Rep. Campbell moved that **HB 413** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that **HB 629** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that **HB 631** be moved to the Appropriations Committee. Motion carried

Rep. Campbell moved that **HJR 30** be moved from the Natural Resources Committee to the State Administration Committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

MOTIONS

Rep. Campbell moved to authorize the Speaker to appoint the following Conference Committee to confer on

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House amendments to **SB 74:**

The Senate Appoints:

Senator Liable, Chair
Senator Esp
Senator Laslovich

The Speaker Appoints:

3/17/2009

Representative Sands, Vice-Chair
Representative Pomnichowski
Representative Ingraham
Representative Arntzen

Representative Campbell moved that the House adjourn until 11:21 p.m., Wednesday, March 18, 2009. Motion carried.

House adjourned at 1:00 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SIXTIETH LEGISLATIVE DAY**

Helena, Montana
March 18, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. A. Noonan. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Jopek, Chairman):

3/18/2009

HB 548, introduced bill, be amended as follows:

1. Title, page 1, lines 7 and 8.

Following: "REGISTRATION;" on line 7

Strike: "REQUIRING INSPECTIONS TO BE UNANNOUNCED AND"

2. Page 1, lines 20 through 28.

Following: "include" on line 20

Strike: ":" on line 20 through "(d) " on line 28

3. Page 2, line 5.

Strike: "unannounced"

Insert: "conducted with at least 48 hours' notice"

4. Page 2, line 19.

Strike: "more than 20 adult"

Insert: "100 or more"

5. Page 2, line 24.

Following: "reporting."

Insert: "The department shall inspect as many facilities as possible with the funds available in the account."

And, as amended, do pass. Report adopted.

JUDICIARY (Stoker, Chairman):

3/18/2009

SB 311, be concurred in. Report adopted.

SB 400, be concurred in. Report adopted.

SB 405, be concurred in. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman):

3/18/2009

SB 261, be concurred in. Report adopted.

SB 294, be concurred in. Report adopted.

SB 57, be amended as follows:

1. Page 12, line 11.

Following: "improvements"

Insert: ":"
(a)"

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Renumber: subsequent subsections

2. Page 12, line 13.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

3. Page 12, line 28.

Strike: "(3)(a)"

Insert: "(3)(a)(i)"

Strike: "(3)(e)"

Insert: "(3)(a)(v)"

4. Page 12, line 29.

Strike: "."

Insert: "; or"

(b) based upon the character, kind, and quality of service for a residential or commercial unit, taking into consideration:

- (i) the nature of the property or entity assessed;
- (ii) a calculated basis for the program or service, including volume or weight;
- (iii) the cost, incentives, or penalties applicable to the program or service practices; or
- (iv) any combination of these factors.

5. Page 56, line 1 through line 4.

Strike: "By" on line 1 through "district." on line 4

Insert: "(1) Subject to subsection (2), a special district in existence on [the effective date of this act] must comply with the provisions of [sections 1 through 20] upon alteration of its boundaries or a change in its amount or method of assessment. If dissolution is proposed for a special district in existence on [the effective date of this act], the proposal is subject to the provisions of [section 20]."

(2) A special district in existence on [the effective date of this act] is required to comply with the provisions of [section 10] only upon alteration of its boundaries."

And, as amended, be concurred in. Report adopted.

SB 58, be amended as follows:

1. Title, page 1, line 7 through line 9.

Strike: "REQUIRING" on line 7 through "AUTHORITY;" on line 9

2. Page 1, line 14 through line 22.

Strike: section 1 in its entirety

3. Page 3, line 3 through page 4, line 20.

Strike: section 4 through section 6 in their entirety

And, as amended, be concurred in. Report adopted.

SB 231, be amended as follows:

1. Title, line 5.

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Strike: "AND"

2. Title, line 6.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 4.

Following: line 20

Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2009."

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Milburn, Chairman):

3/18/2009

SB 113, be amended as follows:

1. Page 2, line 9.

Following: "IN THE"

Insert: "appropriate"

2. Page 2, line 12.

Strike: "ACCOUNT"

Insert: "accounts"

3. Page 2, line 17.

Following: "[SECTION 1];"

Insert: "and"

4. Page 2, line 18 through line 19.

Strike: "; AND" on line 18 through "[SECTION 1]" on line 19

5. Page 2.

Following: line 19

Insert: "(3) There is an account in the federal special revenue fund established by 17-2-102 to be known as the mechanized equipment fuels reduction pilot program account. There must be deposited in the account money received from the federal government for the purpose of administering [section 1]."

6. Page 2, line 20.

Strike: "(3) THE FUND"

Insert: "(4) Funds in either account created in this section"

7. Page 2.

Following: line 22

Insert: "COORDINATION SECTION. **Section 3. Coordination instruction.** If both House Bill No. 140 and [this act] are passed and approved, then the reference in [this act] to "mechanized equipment fuels reduction pilot program account" in [section 1 (5)(b)] must be changed to "forest health account"."

Insert: "COORDINATION SECTION. **Section 4. Coordination instruction.** If both House Bill No. 140 and [this act] are passed and approved, then [section 2] of House Bill No. 140 and [section 2 of this act] are void and [section 2] must read as follows:

"NEW SECTION. **Section 2. Forest health accounts.** (1) There is an account in the state special revenue fund established by 17-2-102 to be known as the forest health account. There must be deposited in the account:

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- (a) money received from legislative allocations;
- (b) a transfer of money from a state or local agency for the purposes of [section 1] or 77-5-216; and
- (c) a gift, donation, grant, legacy, bequest, or devise made for the purposes of [section 1] or 77-5-216.

(2) There is an account in the federal special revenue fund established by 17-2-102 to be known as the forest health account. There must be deposited in the account money received from the federal government for the purpose of administering [section 1] or 77-5-216.

(3) Funds in either account created in this section must be used by the department of natural resources and conservation for the purposes of [section 1] or 77-5-216."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House amendments to Senate bills concurred in: 3/18/2009

SB 40, introduced by Juneau
SB 54, introduced by Steinbeisser
SB 88, introduced by M. Tropila
SB 170, introduced by Gebhardt

SB 74 - The Senate failed to concur in House amendments to **SB 74**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 74**:

3/18/2009

Senator Laible, Chair
Senator Laslovich
Senator Esp

House bills concurred in and returned to the House: 3/18/2009

HB 37, introduced by Campbell
HB 48, introduced by P. Beck
HB 204, introduced by Ebinger
HB 223, introduced by Cohenour
HB 283, introduced by Himmelberger

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/18/2009

HB 119, introduced by Hunter
HB 304, introduced by Sonju

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 659, introduced by Roberts, Stahl, referred to Appropriations.
HB 660, introduced by A. Noonan, Villa, Wilmer, Wilson, McClafferty, P. Noonan, D. Brown, Driscoll, Belcourt, Boland, referred to Appropriations.

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THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 15 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Bennett, Boniek, Hawk, Kasten, Kerns, More, Randall, Sales, Vance.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 211 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Bean, Boniek, Butcher, Caferro, Hawk, Hendrick, Kasten, Kerns, Lake, McGillvray, More, Randall.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 244 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger,

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Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Miller, Sales, Warburton.

Total 3

Excused: None.

Total 0

Absent or not voting: Phillips.

Total 1

HB 262 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Boniek, Kasten, Kerns, McGillvray, Randall, Sales.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 308 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Vance, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 69

Nays: Bean, B. Beck, Bennett, Blasdel, Butcher, Hawk, Hendrick, Himmelberger, Ingraham, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, Morgan, Nooney, Peterson, Pomnichowski, Randall, Regier,

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Reichner, Sales, Smith, Stoker, Taylor, Vincent, Wagner, Welborn.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 315 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 92

Nays: Boniek, Brown, Kasten, Kerns, Lake, Morgan, Sales, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 356 passed as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Reichner, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 84

Nays: Augare, Cohenour, Driscoll, Hands, Hawk, Hollenbaugh, Jopek, McClafferty, A. Noonan, P. Noonan, Phillips, Regier, Reinhart, Sesso, Steenson, Villa.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 499 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 76

Nays: Bean, Bennett, Blasdel, Brown, Butcher, Hawk, Ingraham, Kasten, Kerns, Lake, MacLaren, Mendenhall, Miller, More, Morgan, Nooney, Randall, Regier, Sales, Smith, Sonju, Stoker, Vance, Wagner.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 585 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 66

Nays: B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, More, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Welborn.

Total 33

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

HB 635 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton,

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Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 89

Nays: Boniek, Kerns, Lake, McGillvray, Miller, More, Randall, Sales, Stoker, Wagner.
Total 10

Excused: None.
Total 0

Absent or not voting: McClafferty.
Total 1

HB 636 passed as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Van Dyk, Villa, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 63

Nays: Ankney, Bean, B. Beck, Bennett, Boniek, Brown, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Stoker, Taylor, Vance, Wagner, Warburton, Washburn, Welborn.
Total 37

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 33 adopted as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 64

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.
Total 36

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Di. Barrett in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 39 - Senate Amendments - Representative Cohenour moved Senate amendments to **HB 39** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 74

Nays: B. Beck, Blasdel, Boniek, Brown, Howard, Kasten, Kerns, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Reichner, Sales, Smith, Sonju, Taylor, Vance, Wagner, Warburton, Washburn, Welborn.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 179 - Senate Amendments - Representative Villa moved Senate amendments to **HB 179** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Menahan, Miller, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 77

Nays: B. Beck, Bennett, Blasdel, Boniek, Howard, Kerns, Mendenhall, Milburn, More, Morgan, Randall, Reichner, Sales, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.
Total 21

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Excused: None.
Total 0

Absent or not voting: Mehlhoff, Nooney.
Total 2

HB 288 - Senate Amendments - Representative Kerns moved Senate amendments to **HB 288** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: Henry, Pomnichowski, Wilmer.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 3 - Representative Ankney moved to pass consideration on **HB 3** for the day. Motion carried.

HB 4 - Representative Jones moved **HB 4** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 75

Nays: B. Beck, Bennett, Blasdel, Boniek, Brown, Hendrick, Hoven, Kasten, Kerns, McGillvray, Mendenhall, Miller, More, Nooney, Randall, Regier, Reichner, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 216 - Representative Menahan moved **HB 216** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman.

Total 80

Nays: Augare, Belcourt, Bennett, Boniek, Brown, Campbell, Kerns, Klock, Mendenhall, Miller, More, Nooney, Randall, Sales, Vance, Vincent, Wagner, Washburn, Mr. Speaker.

Total 19

Excused: None.

Total 0

Absent or not voting: Sonju.

Total 1

HB 360 - Representative Caferro moved **HB 360** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 65

Nays: Bean, B. Beck, Bennett, Blasdel, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Jones, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 416 - Representative MacDonald moved **HB 416** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 68

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Nays: Bean, B. Beck, Bennett, Blasdel, Brown, Glaser, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, More, Nooney, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Washburn.

Total 31

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

HB 478 - Representative Grinde moved **HB 478** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Bennett, Kasten, Kerns, Mendenhall, Peterson, Sales, Taylor, Wagner, Welborn.

Total 9

Excused: None.

Total 0

Absent or not voting: Glaser.

Total 1

HB 487 - Representative McNutt moved **HB 487** do pass. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Sales, Wagner.

Total 2

Excused: None.

Total 0

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Absent or not voting: Stahl.
Total 1

HB 508 - Representative Lake moved **HB 508** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 52

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 48

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 216 - Representative Welborn moved **SB 216** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 89

Nays: Blasdel, Boniek, Kasten, Kerns, Mendenhall, Milburn, Randall, Sales, Sonju, Vincent, Wagner.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Di. Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett,

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Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Blasdel, Bonick, Kasten, Kerns, Mendenhall, Milburn, Randall, Sales, Sonju, Vincent, Wagner.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Rep. Campbell moved that **HB 360** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that **HB 478** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell withdrew her previous motion.

Rep. Campbell moved that **HB 508** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that **HB 487** be moved to the Appropriations Committee. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Thursday, March 19, 2009. Motion carried.

House adjourned at 2:42 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SIXTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 19, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Nooney. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representative McClafferty, excused. Quorum present.

Rep. Noonan told a story to commemorate Charlie Russell's birthday and told the following story:

About 30 years ago, I was a proof-reader for the House, and at that same time the legislature commissioned an artist to clean the Charlie Russell painting, with a tiny que-tip like brush. I would watch her at lunch slowly clean the painting in one inch by one inch squares. I commented to the artist about how the colors were beginning to really show after she cleaned it. She said that it's important to see the pastel colors because Russell was not a realist but an impressionist, and he painted with light. In this picture the sun is rising and the sun is setting at the same time, he wanted to show both at the same time. This picture was painted from the view of the tribes, depicting the sun setting on their historical way of life. While this meeting with Lewis and Clark seemed like a small event in their lives it ultimately had huge significance. Russell wanted to remind us of the same here in the legislature and how our decisions may seem small but they can have a huge significance later on. The only figure in the painting that breaks the flow of the painting is the wolf, the wolf reminds us that we may not realize the significance of the decisions we make, but the wolf is always at the door.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 4 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 83

Nays: Bennett, Boniek, Brown, Hendrick, Kasten, Kerns, Mendenhall, Miller, More, Randall, Regier, Sales, Smith, Taylor, Vance, Wagner, Warburton.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 39 passed as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 81

Nays: Blasdel, Boniek, Brown, Howard, Kasten, Kerns, Mendenhall, More, Peterson, Randall, Sales, Smith, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.
Total 18

Excused: None.
Total 0

Absent or not voting: Pease-Lopez.
Total 1

HB 179 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 79

Nays: B. Beck, Bennett, Blasdel, Boniek, Brown, Howard, Kasten, Kerns, Mendenhall, Milburn, Miller, More, Morgan, Randall, Sales, Sonju, Taylor, Vance, Vincent, Wagner, Washburn.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 216 passed as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 82

Nays: Augare, Bennett, Boniek, Brown, Caferro, Campbell, Jones, Kerns, Klock, Mendenhall, Miller, More, Randall, Sales, Stahl, Vance, Wagner, Washburn.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 288 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Caferro, Henry, Pomnichowski, Wilmer.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 416 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 71

Nays: Bean, B. Beck, Bennett, Blasdel, Brown, Hawk, Hendrick, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, More, Regier, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Washburn, Welborn.

Total 29

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 478 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 92

Nays: Hawk, Kasten, Kerns, Mendenhall, Peterson, Sales, Taylor, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 216 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 89

Nays: Bennett, Blasdel, Boniek, Brown, Kasten, Kerns, Mendenhall, Randall, Sales, Sonju, Vincent.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Rep. Campbell moved to appoint a committee to escort Councilor General of Canada Dale Eisler into the House chambers to address the body. Mr. Speaker appointed Representative Malek and Representative Milburn.

Ast.-Sgt.-at-Arms Lane introduced the Honorable Canadian Councilor Dale Eisler to the House.

Mr. speaker directed the Ast.-Sgt.-at-Arms Lane and the committee escort the Councilor into the House Chambers.

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Mr. speaker introduced the Honorable Dale Eisler, the Canadian Councilor to the Body.

Councilor Dale Eisler addressed the body.

Montana State Legislature Speech – March 19

Thank you Mr. Speaker for that introduction and thank all of you for giving me the opportunity to speak briefly to you today.

I would also like to express my gratitude to Lt-Gov John Bohlinger for helping to facilitate the invitation, Senator Dave Wanzonried, who first raised the idea with me more than a year ago, and Representative Julie French for her help.

As a Canadian prairie boy, born and raised in Saskatchewan – in fact my family lived in the farming and ranching community of Mankota, which is about 20 miles from the Montana border – having the invitation to speak to you means a great deal to me.

I've always felt that Montana is a special place. In fact, when we lived in Saskatchewan, my wife Louise and our daughter always loved coming to Montana. Whether weekend getaways to Plentywood, where we would have a great steak dinner at the Blue Moon Supper Club, longer trips to the mountains of Whitefish or Big Sky, or taking in the Sweet Pea Festival in Bozeman, this state and its people have long had a powerful hold on me.

The combination of Montana's breadth, the scale of its geography, its stunning natural beauty and the warmth of its people make it truly one of the finest places on earth.

I still vividly remember one night when we were taking a long weekend holiday to Billings. Driving down from Regina, we were heading west on the Interstate between Glendive and Miles City. It was one of those idyllic, peaceful, cloudless late-spring nights. As we drove, I noticed how the inky night sky seemed illuminated with thousands of tiny diamonds. It was such an incredible sight that I pulled the car over to the side of the highway so that we could get out and gaze in wonderment at the star-filled Montana night sky.

Those sorts of moments have an indelible effect on you and have shaped my appreciation for your wonderful state.

The links between Montana and Canada are many and multi-layered. Just as Canada and the United State share the most important relationship between any two nations in the world, so too does Montana with its bordering provinces of Saskatchewan, Alberta and British Columbia.

Our relationship is forged by our common geography, close economic ties, similar values and deep family connections that span our shared border.

The U.S.-Canada two-way trading relationship totals \$640 billion a year. No two other nations in the world come close to that depth of economic interaction. The biggest energy supplier to the U.S. is Canada. You import more oil from Canada than Saudia Arabia and Kuwait combined.

Moreover, Canada is a huge market for U.S. goods. We are your biggest market by far. The U.S. sells more to Canada than to the UK, Germany, Japan and China combined. The Canadian market for U.S. goods is larger than what you export to all 27 members of the European Union.

More than seven million jobs in the U.S. are directly supported by trade with Canada. And for Montana, trade with Canada amounts to more than \$4 billion a year, with almost 25,000 jobs in your state dependent on trade with Canada. Beyond those simple facts, the truth is that both our nations benefit from our trading relationship. Trade makes our economies more competitive, it stimulates economic growth and creates high-paying jobs.

It is because we share such intimate economic ties that how we manage our shared border becomes a crucial dimension of our relationship. Both Americans and Canadians want the same thing – a safe border. But we also need an efficient border, one that achieves our mutual security objectives but doesn't become a barrier to commerce and economic opportunity for our people.

But to truly appreciate the depth of our close relations, it's important to look beyond economic factors. Our two nations have shared beliefs that reflect our commitment to a world of peace, security and prosperity. As nations we are both guided by our dedication to freedom, democracy, human rights and the rule of law.

And nowhere is that more evident than in Afghanistan. Canada is there, with the U.S. and other NATO nations to bring peace, stability and development to the long-suffering people of that nation.

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For the last six years, Canadian soldiers have been serving and dying in Afghanistan. The last four we have been spearheading the effort in the challenging and violent region of Kandahar, long a stronghold of the Taliban. At times it has been a difficult and deadly struggle. We have seen 111 of our soldiers die as part of our mission. But Canadians remain unwavering in their commitment to Afghanistan. We see it as consistent with our nation's historic role in the world, a tradition that reaches back many decades, when we fought and died alongside US soldiers in the First and Second World Wars and in Korea.

I could go on, but I won't.

And that's because I believe ultimately the most meaningful way to illustrate why Montana and Canada matters is in human terms.

About 15 months ago, I was in Edmonton, Alberta with a Montana delegation headed by Governor Schweitzer. I sat in on a meeting between the Governor and Alberta Premier Ed Stelmach. Instantly the two struck a personal connection when they discovered both their grandparents had emigrated from their ancestral homes in Europe and homesteaded at the same time almost a century ago – the Governor's family near Havre, the Premier's near Edmonton.

Those deep personal, family roots between Montana and Canada flourish to this day. They are the true fibre of our close relationship as friends and neighbours.

To make that point, I would like to mention Mark Chabot, his wife Jacque and their four children – two daughters and two sons. For me, they embody the core truth about our special ties as people.

Mark was born, raised and went to school in Scobey, Montana. His family had farmland near Scobey and also just across the border in southern Saskatchewan. During the summer in high school, Mark often worked on the family farm on the other side of the border in Saskatchewan.

After he and Jacque, who was also born in Scobey and went to school in nearby Opheim, were married in 1977, they moved a few miles north to farm their land that ran along the border near Coronach, Saskatchewan.

Mark and Jacque's two girls went to elementary and high school in Coronach and their two boys received high school education in Scobey. Every school day, Mark or Jacque would drive the two boys – in good weather they'd sometimes walk the half mile -- to the border, where they stepped across and caught a bus to their high school in Scobey. When the boys turned 16, they drove themselves across the border to high school in Scobey.

Mark says he sees himself as a bit of a diplomat, defending both countries from those who might criticise our two nations. He can speak from personal experience.

"We've had the best of two free and great countries with a secure, yet open, border. Our family feels safe in both the U.S. and Canada, and that's a blessing," Mark says.

Since the terrible events of Sept. 11, the border is less open than it used to be. When, before, Mark and Jacque would simply stop briefly as they drove across the border, and the border agent would wave them on, the process now has become more formal – a reality that reflects the world we all share. This summer, U.S. citizens will need passports to drive back across the border into the U.S.

We might long for those earlier, simpler days. But there is no point romanticizing a past that is likely never to return. Better that we recognize and protect the unique relationship that we share.

I believe our task as family, friends and neighbours is to not allow ourselves to lose sight of the important ties that bind us. Of how what unites us is far greater than the border that might separate us.

As Prime Minister Harper indicated during President Obama's recent visit to Canada, "Threats to the United States are threats to Canada. There is no such thing as a threat to the national security of the United States which does not represent a direct threat to this country."

My colleagues from the Consulate and myself are here today to focus on what is truly a special relationship between two great nations. We have been holding roundtable discussions on common issues with people from Montana and Canada. And tonight you're all invited to our reception in the beautiful rotunda of this magnificent State Capitol building.

Thank you again for the honour of speaking to you today. And best wishes in doing the important work you do for the people of Montana.

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Mr. Speaker directed the committee to escort the Councilor from the House.

REPORTS OF STANDING COMMITTEES

HUMAN SERVICES (Becker, Chairman): 3/19/2009
SB 226, be concurred in. Report adopted.
SB 463, be concurred in. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman): 3/19/2009
SB 123, be amended as follows:

1. Page 3, line 1 through line 14.

Strike: line 1 through line 14 in their entirety

Insert: "(c) If an agency uses an amended proposal notice to amend a statement of reasonable necessity for reasons other than for corrections in citations of authority, in citations of sections being implemented, or of a clerical nature, the agency shall allow additional time for oral or written comments from the same interested persons who were notified of the original proposal notice, including from a primary sponsor, if primary sponsor notification was required under 2-4-302, and from any other person who offered comments or appeared at a hearing already held on the proposed rule."

And, as amended, be concurred in. Report adopted.

TAXATION (Lake, Chairman): 3/19/2009
SB 198, be concurred in. Report adopted.
SB 280, be concurred in. Report adopted.
SB 292, be concurred in. Report adopted.
SB 353, be concurred in. Report adopted.
SB 361, be concurred in. Report adopted.
SB 430, be concurred in. Report adopted.

HB 562, be amended as follows:

1. Title, page 1, line 7.

Following: "RECEIVE"

Strike: "A"

Insert: "ITS"

2. Title, page 1, line 9.

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND 20-9-366"

3. Page 2, line 29.

Following: "department"

Insert: "for deposit as provided in subsections (4)(b)(ii) through (4)(b)(iv)"

4. Page 3, line 1.

Strike: "15-10-107"

Insert: "15-10-108"

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5. Page 3, line 2.

Strike: "15-10-107"

Insert: "15-10-108"

6. Page 3.

Following: line 6

Insert: "(iv) Fifty percent of the funds from a school district that has waived its right to protested taxes must be deposited in the state general fund, and the other 50% must be deposited in a school district property tax protest state special revenue fund."

7. Page 3, line 21.

Strike: "a"

Insert: "its"

8. Page 4, line 4.

Following: "refund"

Insert: "from the school district property tax protest state special revenue fund the"

Following: "taxes"

Insert: "and interest"

9. Page 4, line 5.

Strike: "a"

Insert: "its"

10. Page 4, line 6.

Following: "."

Insert: "If the amount available for the refund in the school district property tax protest state special revenue fund is insufficient to refund the property tax payments, the department shall pay the remainder of the refund from the state general fund."

11. Page 4, line 27.

Strike: "15-10-107"

Insert: "15-10-108"

12. Page 5, line 15 through page 6, line 17.

Strike: section 3 in its entirety

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/19/2009

HB 324, introduced by Arntzen

HB 366, introduced by McGillvray

House bills passed and transmitted to the House for concurrence:

3/19/2009

HB 45, introduced by Ingraham

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HB 67, introduced by Belcourt
HB 129, introduced by Getz
HB 270, introduced by Reinhart
HB 332, introduced by Getz
HB 363, introduced by Jones
HB 432, introduced by Mehlhoff
HB 545, introduced by Vincent

House joint resolutions passed and transmitted to the House for concurrence: 3/19/2009

HJR 22, introduced by O'Hara
HJR 27, introduced by Wilmer

Senate bill passed and transmitted to the House for concurrence: 3/19/2009

SB 100, introduced by Black

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 661, introduced by Boniek, referred to Judiciary.

Rep. Phillips announced that the House Democrats will caucus for 15 minutes.
Rep. Mendenhall announced that the House Democrats will caucus for 15 minutes.
Mr. Speaker announced that the House will recess for 15 minutes.
The House came to order at 1:58 p.m.

Mr. Speaker introduced the Neverland Ranch Hands, featuring our very own Sgt.-at-Arms Tensley.

The Neverland Ranch Hands played two songs for the House.

Mr. Speaker asked that Sgt.-at-Arms Tensley escort himself and his band out of the House chambers.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Taylor in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 23 - Senate Amendments - Representative Himmelberger moved Senate amendments to **HB 23 do not** concur in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake,

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MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 119 - Senate Amendments - Representative Hunter moved Senate amendments to **HB 119** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 83

Nays: Bennett, Blasdel, Boniek, Hendrick, Kasten, Kerns, McGillvray, Miller, Nooney, Peterson, Randall, Regier, Roberts, Sales, Vance, Wagner, Warburton.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 304 - Senate Amendments - Representative Sonju moved Senate amendments to **HB 304** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

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Nays: Boniek, Brown, Kasten, More, Peterson, Wagner.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 3 - Representative Ankney moved **HB 3** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 83

Nays: Blasdel, Boniek, Brown, Ingraham, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Randall, Regier, Sales, Smith, Sonju, Vance, Wagner.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 224 - Representative Hiner moved **HB 224** do pass. Motion carried as follows:

ey, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 67

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Randall, Sales, Smith, Sonju, Stoker, Vance, Vincent, Wagner, Warburton, Washburn.
Total 32

Excused: None.
Total 0

Absent or not voting: Boss Ribs.
Total 1

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SB 20 - Representative Ingraham moved **SB 20** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 21 - Representative Sonju moved **SB 21** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Boniek, Kerns, Mendenhall, Sales.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 79 - Representative Sands moved **SB 79** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan,

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Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 94

Nays: Pomnichowski, Steenson, Mr. Speaker.
Total 3

Excused: None.
Total 0

Absent or not voting: Howard, Mendenhall, Morgan.
Total 3

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Taylor moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 87

Nays: Boniek, McGillvray, Randall, Sales, Vincent.
Total 5

Excused: McClafferty.
Total 1

Absent or not voting: French, Hendrick, Hiner, Kasten, Mendenhall, Taylor, Washburn.
Total 7

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **HB 23** and request the senate to appoint a like committee:

The Speaker appoints:
Rep. Phillips, Vice Chair
Rep. McAlpin
Rep. Brown
Rep. Himmelberger

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Representative Campbell moved that the House adjourn until 1:00 p.m., Friday, March 20, 2009. Motion carried.

House adjourned at 2:58 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SIXTY-SECOND LEGISLATIVE DAY**

Helena, Montana
March 20, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by P. Noonan. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives McClafferty and Phillips, excused. Quorum present.

Mr. Speaker introduced and thanked the pages for the week.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):

3/20/2009

HB 42, do pass. Report adopted.

HB 154, introduced bill, be amended as follows:

1. Page 2, line 26.

Following: "mitigation"

Insert: ", grants for the purchase of fire suppression equipment for county cooperatives,"

2. Page 3, line 8.

Following: "If"

Insert: "at least \$15 million of the"

3. Page 3, line 9 through line 10.

Strike: "suppression" on line 9 through "projects" on line 10

Insert: "prevention, fuel mitigation projects, and grants for the purchase of fire suppression equipment for county cooperatives"

And, as amended, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Van Dyk, Chairman):

3/20/2009

SB 202, be amended as follows:

1. Page 1, line 27.

Strike: "IN THE NORMAL RECREATIONAL FEEDING OF BIRDS,"

2. Page 1, line 29.

Following: line 28

Insert: "(4) A person who is engaged in the recreational feeding of birds is not subject to civil or criminal liability under this section unless, after having received a previous warning by the department, the person continues to feed birds in a manner that attracts ungulates or bears and that may contribute to the transmission of disease or constitute a threat to public safety."

Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

SB 404, be amended as follows:

1. Page 1, line 13.

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Strike: "1,920"
Insert: "1,280"
Following: "acres"
Insert: ", "
Strike: "and"

2. Page 1, line 14.
Strike: "must"
Insert: "may not"
Following: "~~and~~"
Strike: "in areas" through "will"
Insert: "within 2 miles of another preserve, and may"

And, as amended, be concurred in. Report adopted.

SJR 15, be amended as follows:

1. Title, page 1, line 6 through line 7.
Strike: ", URGING" on line 6 through "EFFECT," on line 7

2. Page 2, line 5 through line 6.
Strike: ", AND" on line 5 through "2009," on line 6

3. Page 2, line 6 through line 7.
Following: "IDAHO" on line 6
Strike: "," on line 6 through "2009" on line 7

4. Page 2, line 8.
Strike: "HAS"

5. Page 2, line 10.
Strike: "MAY"
Insert: "could"

6. Page 2, line 11.
Strike: "IT'S UNCLEAR WHETHER"
Insert: "on March 6, 2009, the administration of"
Strike: "WILL ALLOW"
Insert: "affirmed"

7. Page 2, line 12.
Strike: "TO TAKE EFFECT"

8. Page 2, line 13.
Strike: "EVEN IF"

9. Page 2, line 14.
Strike: "ALLOWED" through "IS"

10. Page 2, line 26 through line 28.

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Strike: subsection (4) in its entirety
Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

JUDICIARY (Stoker, Chairman):

3/20/2009

SB 281, be concurred in. Report adopted.

SB 441, be concurred in. Report adopted.

SB 447, be concurred in. Report adopted.

SJR 29, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 74**
Report No. 001, March 20, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 74** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 74** (reference copy -- salmon) be amended as follows:

1. Page 1, line 22.

Strike: "AND OTHER APPROPRIATE"

For the Senate:

For the House:

Laible, Chair
Esp
Laslovich

Sands, Chair
Ingraham
Pomnichowski

MESSAGES FROM THE SENATE

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

3/20/2009

HB 41, introduced by Cohenour

Senate bill passed and transmitted to the House for concurrence:

3/20/2009

SB 452, introduced by Curtiss

House amendments to Senate bills concurred in:

3/20/2009

SB 47, introduced by Steinbeisser

SB 49, introduced by Wanzenried

House bills concurred in and returned to the House:

3/20/2009

HB 72, introduced by Sands

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HB 75, introduced by Van Dyk
HB 78, introduced by Hendrick
HB 93, introduced by Sands
HB 139, introduced by Vincent
HB 153, introduced by Hands

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 662, introduced by Arntzen, referred to Business and Labor.
HB 663, introduced by Jopek, referred to Taxation.
HB 664, introduced by Jopek, Blasdel, referred to Agriculture.

The following Senate bills were introduced, read first time, and referred to committees:

SB 100, introduced by Black, referred to Federal Relations, Energy, and Telecommunications.
SB 452, introduced by Curtiss, Gebhardt, referred to Appropriations.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 3 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 76

Nays: B. Beck, Bennett, Blasdel, Boniek, Brown, Hoven, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Randall, Regier, Sales, Smith, Sonju, Stoker, Taylor, Vance, Wagner.

Total 22

Excused: None.

Total 0

Absent or not voting: Becker, Hollandsworth.

Total 2

HB 119 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven,

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Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 79

Nays: Bennett, Blasdel, Boniek, Hendrick, Kasten, Kerns, McGillvray, Mendenhall, Miller, Morgan, Nooney, Peterson, Randall, Regier, Sales, Sonju, Stahl, Vance, Vincent, Wagner, Warburton.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 224 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 65

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hendrick, Howard, Ingraham, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Randall, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 304 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Boniek, Brown, Kasten, More, Morgan, Peterson, Sales, Wagner.

Total 8

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 20 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: Sales.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 79 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Pomnichowski, Steenson.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wilmer in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 324 - Senate Amendments - Representative Arntzen moved Senate amendments to **HB 324** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Jopek, Pomnichowski.

Total 2

HB 366 - Senate Amendments - Representative McGillvray moved Senate amendments to **HB 366** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Boss Ribs, Pease-Lopez.

Total 2

Excused: None.

Total 0

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Absent or not voting: Howard, Morgan.
Total 2

SB 96 - Representative Menahan moved **SB 96** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hawk, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 76

Nays: Arntzen, Bennett, Blasdel, Brown, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Kasten, Kerns, McGillvray, Mendenhall, Morgan, Nooney, Randall, Sales, Smith, Sonju, Vance, Vincent, Washburn.
Total 22

Excused: None.
Total 0

Absent or not voting: Butcher, Hamilton.
Total 2

SB 141 - Representative Boland moved **SB 141** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blasdel.
Total 1

SB 184 - Representative Van Dyk moved **SB 184** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner,

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Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 197 - Representative K. Peterson moved **SB 197** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Boniek, Hawk, Kasten, Sales, Sonju.

Total 5

Excused: None.

Total 0

Absent or not voting: Nooney.

Total 1

SB 299 - Representative O'Hara moved **SB 299** be concurred in. Motion carried as follows:

re, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 52

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 48

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 323 - Representative Kottel moved **SB 323** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 71

Nays: Arntzen, B. Beck, Bennett, Blasdel, Brown, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Klock, McGillvray, McNutt, Mendenhall, Milburn, Miller, Peterson, Randall, Reichner, Sales, Smith, Sonju, Taylor, Vance, Wagner, Welborn.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Rep. O'Hara introduced John B. Weaver, the sculptor of the bronze Charles M. Russell sculpture in Statuary Hall in Washington D.C. It was his 89th birthday and the House sang Happy Birthday to Mr. Weaver.

SB 409 - Representative Berry moved **SB 409** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 71

Nays: Ankney, Bean, Belcourt, Bennett, Boniek, Butcher, Hawk, Hendrick, Hoven, Ingraham, Jones, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Peterson, Sales, Smith, Stahl, Stoker, Vincent, Wagner, Warburton, Welborn.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 246 - Representative Boniek moved **HB 246** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Ebinger, Fleming, French, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 80

Nays: Barrett, Belcourt, Caferro, Dickenson, Driscoll, Furey, Hands, Henry, Hollenbaugh, Jopek, MacDonald, Malek, McAlpin, A. Noonan, Pease-Lopez, Pomnichowski, Sands, Sesso, Villa, Wilson.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 425 - Representative Pomnichowski moved **HB 425** do pass. Motion carried as follows:

Yeas: Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 68

Nays: Ankney, Arntzen, Augare, Bean, Bennett, Berry, Blasdel, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Sales, Smith, Sonju, Stoker, Taylor, Wagner, Warburton, Welborn.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 82 - Representative Campbell moved to pass consideration on **SB 82** for the day. Motion carried as follows:

SB 119 - Representative Howard moved **SB 119** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More,

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Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Bennett, Hawk, Kerns, Mendenhall, Miller, Sales, Sonju, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 173 - Representative Mendenhall moved **SB 173** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Wiseman.

Total 1

SB 269 - Representative Reichner moved **SB 269** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman.

Total 86

Nays: Bennett, Boniek, Hawk, Hendrick, Kasten, Kerns, Mendenhall, Miller, More, Roberts, Sales, Wagner, Welborn, Mr. Speaker.

Total 14

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 368 - Representative McAlpin moved **SB 368** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Wilmer moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.
Total 83

Nays: Hawk, Hendrick, Kasten, Mendenhall, Miller, More, Sales, Sonju, Vance, Vincent.
Total 10

Excused: McClafferty, Phillips.
Total 2

Absent or not voting: Hands, Hollenbaugh, Nooney, Villa, Wilmer.
Total 5

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REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):

3/20/2009

HB 6, introduced bill, **be amended** as follows:

1. Title, line 10.

Following: line 9

Insert: "AN IMMEDIATE"

Strike: "DATES"

Insert: "DATE"

2. Page 1, line 25.

Strike: "\$5,085,798"

Insert: "\$8,654,593"

3. Page 2, line 4.

Strike: "or for planning grant projects"

Following: "projects."

Insert: "Any remaining project funds may be used for any renewable resource program projects authorized under this section or for reclamation and development program projects authorized by the 61st legislature in House Bill No. 7."

4. Page 9, line 22 through line 24.

Strike: section 7 in its entirety

Insert: "NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

HB 7, introduced bill, be amended as follows:

1. Title, page 9.

Following: "AN"

Insert: "IMMEDIATE"

2. Page 1, line 17.

Strike: "\$5,012,865"

Insert: "\$6,227,122"

3. Page 1, lines 19 and 20.

Following: "grants" on line 19

Strike: remainder of line 19 through "38" on line 20

4. Page 1, line 30.

Following: "funding."

Insert: "Any remaining project funds may be used for reclamation and development planning grants authorized under [section 1] or renewable resource program projects authorized by the 61st legislature in House Bill No. 6."

5. Page 2, lines 24 and 25.

Strike: lines 24 and 25 in their entirety

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6. Page 3, lines 11 and 12.

Strike: lines 11 and 12 in their entirety

7. Page 3, line 26.

Following: line 25

Insert: "(3) If the Reliance Refinery Cleanup is fully funded in House Bill No. 2, then the grant request for the Montana Department of Natural Resources and Conservation (Reliance Refinery) project in subsection (2) is withdrawn."

Renumber: subsequent subsections

8. Page 4, line 24.

Strike: "July 1, 2009"

Insert: "on passage and approval"

And, as amended, do pass. Report adopted.

HB 8, introduced bill, **be amended** as follows:

1. Page 1, line 25.

Strike: "\$473,000"

Insert: "\$508,370"

2. Page 2, line 7.

Strike: "project"

Insert: "projects"

Following: "is"

Strike: "4.5% "

Insert: "3% "

3. Page 2, line 11.

Strike: "\$572,000"

Insert: "\$600,000"

4. Page 2, line 12.

Following: line 11

Insert: "Refinance Existing Debt or Rehabilitation of Existing Water or Wastewater Facilities \$3,000,000"

5. Page 2, line 12.

Insert: "(3) The interest rate for the project in this group is 3% or the rate at which the state bonds are sold, whichever is lower, for up to 13 years.

Loan

Amount

DALY DITCHES IRRIGATION DISTRICT

Republican Canal Diversion Dam Replacement \$268,815"

Renumber: subsequent subsections

6. Page 2, line 24.

Strike: "\$9,635,920"

Insert: "\$13,158,795"

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7. Page 2, line 25.
Strike: "\$4,910,266"
Insert: "\$7,973,636"

8. Page 2, line 26.
Strike: "\$1,256,859"
Insert: "\$1,716,364"

And, as amended, do pass. Report adopted.

HB 9, introduced bill, **be amended** as follows:

1. Page 1, line 23.
Strike: "\$809,400"
Insert: "\$839,400"

2. Page 2, line 26.
Strike: "\$5,000"
Insert: "\$10,000"

3. Page 3.
Following: line 6
Insert: "1422 Helena Symphony Orchestra & Chorale \$20,000"

4. Page 4, line 17.
Strike: "\$10,300"
Insert: "\$15,300"

And, as amended, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 667, introduced by A. Noonan, referred to State Administration.

MOTIONS

Rep. Campbell moved that **SB 119** be moved to Appropriations Committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:00 a.m., Saturday, March 21, 2009. Motion carried.

House adjourned at 2:25 p.m.

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DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SIXTY-THIRD LEGISLATIVE DAY**

Helena, Montana
March 21, 2009

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep.. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Himmelberger, Hoven, McClafferty, Mendenhall, Phillips and Villa, excused. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 246 passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Ebinger, Fleming, French, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 85

Nays: Barrett, Caferro, Dickenson, Driscoll, Furey, Hands, Henry, Hollenbaugh, MacDonald, McAlpin, Pease-Lopez, Pomnichowski, Roundstone, Sands.
Total 14

Excused: Villa.
Total 1

Absent or not voting: None.
Total 0

HB 324, as amended by the Senate, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

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Excused: Villa.
Total 1

Absent or not voting: None.
Total 0

HB 366, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: Villa.
Total 1

Absent or not voting: None.
Total 0

HB 425 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 62

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, O'Hara, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Taylor, Vance, Wagner, Warburton, Welborn.
Total 37

Excused: Villa.
Total 1

Absent or not voting: None.
Total 0

SB 21 concurred in as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Kerns, Sales.

Total 2

Excused: Villa.

Total 1

Absent or not voting: Stahl.

Total 1

SB 96 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 75

Nays: Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Himmelberger, Hollandsworth, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Nooney, Randall, Sales, Smith, Sonju, Vance, Vincent, Wagner, Washburn.

Total 24

Excused: Villa.

Total 1

Absent or not voting: None.

Total 0

SB 141 concurred in as follows:

ey, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 99

Nays: None.

Total 0

Excused: Villa.

Total 1

Absent or not voting: None.

Total 0

SB 173 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Villa.

Total 1

Absent or not voting: None.

Total 0

SB 184 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Villa.

Total 1

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Absent or not voting: None.
Total 0

SB 197 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Boniek, Brown, Hawk, Kasten, Sales, Stahl.
Total 6

Excused: Villa.
Total 1

Absent or not voting: None.
Total 0

SB 269 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 89

Nays: Boniek, Hawk, Kerns, Lake, Mendenhall, Miller, More, Randall, Welborn.
Total 9

Excused: Villa.
Total 1

Absent or not voting: Stahl.
Total 1

SB 299 failed as follows:

Yeas: Barrett, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Fleming, Furey, Grinde, Hands, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Klock, Kottel, MacLaren, Malek, McChesney, McClafferty, Menahan, Miller, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 42

Nays: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Campbell, Driscoll, Ebinger, French, Getz, Glaser, Hamilton, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Jones, Jopek, Kasten, Kerns, Lake, MacDonald, McAlpin, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 57

Excused: Villa.

Total 1

Absent or not voting: None.

Total 0

SB 323 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 70

Nays: Bean, B. Beck, Bennett, Blasdel, Brown, Hawk, Hendrick, Himmelberger, Howard, Ingraham, Kasten, Kerns, Klock, McGillvray, McNutt, Mendenhall, Miller, Nooney, Peterson, Randall, Reichner, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Welborn.

Total 29

Excused: Villa.

Total 1

Absent or not voting: None.

Total 0

SB 368 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: None.

Total 0

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Excused: Villa.
Total 1

Absent or not voting: Wilmer.
Total 1

SB 409 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss, Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 74

Nays: Bean, Bennett, Boniek, Brown, Butcher, Hawk, Hendrick, Jones, Kasten, Kerns, Lake, MacLaren, Mendenhall, Miller, More, Morgan, Peterson, Randall, Roberts, Sales, Smith, Wagner, Warburton, Washburn, Welborn.
Total 25

Excused: Villa.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):
HB 10, introduced bill, be amended as follows:

3/21/2009

1. Page 2, line 9.

Following: "administration"

Insert: "to be used only"

2. Page 2, line 12 through line 13.

Strike: line 12 through line 13 in their entirety

3. Page 2, line 20.

Following: line 19

Insert: "SECRETARY OF STATE

Information Management System 1,500,000 [LRITP] 1,500,000 [Total]"

4. Page 2, line 20.

Following: "appropriated"

Insert: "to the department of public health and human services"

5. Page 2, line 21.

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Following: "2007,"

Strike: "for the department of public health and human services"

Following: "within"

Insert: "the long-range information technology"

Following: "fund"

Strike: "types"

Insert: "type"

6. Page 3, line 1.

Following: "among"

Insert: "department of public health and human services"

Following: "projects."

Insert: "The projects for which funds are appropriated to the department of public health and human services in [section 3] and this section and those projects authorized in section 14, Chapter 3, Special Laws of May 2007, are authorized for the transfer of appropriations and authority within the federal special revenue fund type and among department of public health and human services projects. The department of public health and human services shall report changes to appropriations and authority related to the information technology projects in section 14, Chapter 3, Special Laws of May 2007, and in [section 3] and this section to the interim legislative finance committee upon occurrence."

7. Page 3.

Following: line 3

Insert: "(6) For the item Medicaid Management Information System Replacement in subsection (3), the department of public health and human services shall provide a work plan with milestones, goals, and measures to guide the medicaid management information system replacement to the Legislative Finance Committee at its June 2009 meeting. At each legislative finance committee meeting, the department shall provide an update on its activities and progress toward achieving elements of the work plan in a format developed in conjunction with the legislative finance committee."

8. Page 3, line 6.

Following: "agency"

Insert: " to be used only for the specified projects"

9. Page 3, line 10.

Following: "Montana"

Insert: "Equipment"

Strike: "2,000,000 [General Fund] 2,000,000 [Total]"

Insert: "1,000,000 [General Fund] 1,000,000 [Total]"

10. Page 3, line 12 through line 13.

Strike: line 12 through line 13 in their entirety

11. Page 3.

Following: line 13

Insert: "(2) For the item in subsection (1) for Interoperability Montana Equipment, the department shall exercise due diligence in determining the appropriateness, effectiveness, and reliability of technology and equipment, taking into consideration input and advice from system users, including field personnel and a broad representation of use groups. Recommendations for acquisition of technology and equipment should be

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reported to the information technology board established in 2-15-1021."

12. Page 3, line 15.

Following: "transfers."

Strike: "(1)"

13. Page 3, line 18 through page 4, line 1.

Strike: subsection (2) in its entirety

And, as amended, do pass. Report adopted.

HB 11, introduced bill, be amended as follows:

1. Title, line 15.

Following: "PROJECTS;"

Insert: "TERMINATING CERTAIN PRIOR TREASURE STATE ENDOWMENT GRANTS; AMENDING SECTION 90-6-701, MCA, AND SECTION 1, CHAPTER 383, LAWS OF 2007;"

2. Page 1, line 20.

Following: "commerce"

Strike: "\$16,083,889"

Insert: "\$17.8 million"

3. Page 1, line 21.

Following: "account"

Insert: "and any funds appropriated to the department in [section 7] remaining after all obligations to fund eligible projects identified in [section 1(3)] have been fully met, to be used"

4. Page 3, line 8.

Following: line 7

Insert: "37. Granite County (solid waste) 197,000

38. Missoula County for Seeley Lake (wastewater) 750,000

39. Seeley Lake Sewer District (wastewater) 750,000

40. Dutton, Town of (wastewater) 500,000

41. Blaine County (bridge) 384,160

42. Loma County Water and Sewer District (water) 750,000

43. Harlowton, Town of (water) 500,000

44. Kevin, Town of (water) 500,000

45. Flathead County (for Bigfork) (stormwater) 625,000

46. Woods Bay Homesites Water and Sewer District (wastewater) 730,000

47. Lockwood, (wastewater) 500,000

48. Shelby, City of (wastewater) 625,000

49. Whitefish, City of (wastewater) 500,000

50. Eureka, Town of (water) 625,000

51. Troy, City of (water) 715,000

52. Fallon County North Baker Water and Sewer District (wastewater) 120,000

53. Sheaver's Creek Water and Sewer District (wastewater) 600,000

54. Yellowstone County (bridge) 228,753

55. Gore Hill County Water District (water) 250,300

56. South Chester County Water District (water) 131,000

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- 57. Livingston, City of (wastewater/solid waste) 500,000
- 58. Flathead County Water and Sewer District (Happy Valley) (water) 500,000
- 59. Bynum Teton County Water and Sewer District (water) 567,000
- 60. Bozeman, City of (wastewater) 500,000
- 61. Fort Smith Water and Sewer District (water) 500,000
- 62. Jette Meadows Water and Sewer District (water) 750,000
- 63. Greater Woods Bay Sewer District (wastewater) 488,000
- 64. Em-Kayan Village Water and Sewer District (water) 290,619
- 65. Stevensville, Town of (water) 500,000
- 66. Bridger Pines County Water and Sewer District (wastewater) 400,000"

5. Page 3, line 16 and 17.

Following: "funds" on line 16

Strike: remainder of line 16 through "during" on line 17

Insert: "appropriated in subsection (1) for"

6. Page 3, line 18.

Following: the first "projects"

Insert: "numbered 1 through 33 in subsection (3)"

7. Page 3, line 20.

Strike: "36"

Insert: "66"

8. Page 3, lines 21 through 26.

Following: "only" on line 21

Strike: remainder of line 21 through line 26 in their entirety

Insert: "so long as there are sufficient funds from the amount appropriated in subsection (1). Once all funds appropriated in subsection (1) are totally committed to projects numbered 34 through 66 in subsection (3) that have satisfied the conditions described in [section 3(1)], the obligation to remaining projects will cease. If funds appropriated in subsection (1) are insufficient to fund any of the projects that have satisfied the conditions described in [section 3(1)] prior to June 30, 2011, the treasure state endowment program shall fund the projects by borrowing money from the board of investments pursuant to 90-6-701(1)(b). There is appropriated to the department of commerce up to \$6,512,000 of funds borrowed from the board of investments."

9. Page 6, line 5.

Strike: "\$8"

Insert: "\$15"

10. Page 6, line 7.

Following: "account"

Insert: "and other funds"

11. Page 7, line 4.

Insert: "Section 10. Section 90-6-701, MCA, is amended to read:

"90-6-701. Treasure state endowment program created -- definitions. (1) (a) There is a treasure state endowment program that consists of:

(i) the treasure state endowment fund established in 17-5-703;

(ii) the infrastructure portion of the coal severance tax bond program provided for in 17-5-701(2).

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(b) The treasure state endowment program may borrow from the board of investments to provide additional financial assistance for local government infrastructure projects under this part, provided that no part of the loan may be made from retirement funds.

(2) Interest from the treasure state endowment fund and from proceeds of the sale of bonds under 17-5-701(2) may be used to provide financial assistance for local government infrastructure projects under this part, to provide funding to the department of commerce for the administrative costs of the treasure state endowment program, and to repay loans from the board of investments.

(3) As used in this part, the following definitions apply:

(a) "Infrastructure projects" means:

(i) drinking water systems;

(ii) wastewater treatment;

(iii) sanitary sewer or storm sewer systems;

(iv) solid waste disposal and separation systems, including site acquisition, preparation, or monitoring; or

(v) bridges.

(b) "Local government" means an incorporated city or town, a county, a consolidated local government, a tribal government, a county or multicounty water, sewer, or solid waste district, or an authority as defined in 75-6-304.

(c) "Treasure state endowment fund" means the coal severance tax infrastructure endowment fund established in 17-5-703(1)(b).

(d) "Treasure state endowment program" means the local government infrastructure investment program established in subsection (1).

(e) "Tribal government" means a federally recognized Indian tribe within the state of Montana."

Insert: "Section 11. Section 1, Chapter 383, Laws of 2007, is amended to read:

"Section 1. Appropriation from treasure state endowment state special revenue account. (1) There is appropriated to the department of commerce ~~\$17,333,653~~ up to \$40,173,080 of the interest earnings from the treasure state endowment state special revenue account and from other funds to finance grants authorized by this section.

(2) The funds appropriated in this section must be used by the department to make grants to the governmental entities listed in subsection (3) for the described purposes and in amounts not to exceed the amounts set out in subsection (3). The appropriations are subject to the conditions set forth in [sections 2 and 3] and described in the treasure state endowment program 2009 biennium report to the 60th legislature. The legislature, pursuant to 90-6-710, authorizes the grants for the projects listed in subsection (3). The department shall commit funds to projects listed in subsection (3), up to the amounts authorized, based on the manner of disbursement set forth in [section 3] until interest earnings and other funds deposited into the treasure state endowment state special revenue account during the 2009 biennium are expended.

(3) The following applicants and projects are authorized for grants:

Applicant/Project	Grant Amount
1. Lewis and Clark County for the Woodlawn Addition (water)	
\$596,420	
2. Bainville, Town of (wastewater)	715,000
3. Madison County (bridge)	370,100
4. Sweet Grass County (bridge)	151,493
5. Powell County (bridge)	263,074
6. Circle, Town of (wastewater)	750,000
7. Harlem, City of (water)	750,000
8. Jordan, Town of (wastewater)	700,000
9. Thompson Falls, City of (water)	363,000
10. Twin Bridges, Town of (wastewater)	750,000
11. Seeley Lake-Missoula County Water District (water)	750,000
12. Fergus County (bridge)	238,362
13. Sunny Meadows-Missoula County Water and Sewer District (water)	325,000
14. Tri-County Water District (water)	313,500

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15. Blaine County (bridge)	617,017	
16. Loma County Water and Sewer District (water)	750,000	
17. Ekalaka, Town of (water and wastewater)	706,369	
18. Stillwater County (bridge)	407,500	
19. Sheridan, Town of (wastewater)	750,000	
20. Carter-Chouteau County Water and Sewer District (water)	750,000	
21. Bigfork County Water and Sewer District (wastewater)	750,000	
22. Dayton-Lake County Water and Sewer District (wastewater)	750,000	
23. Judith Basin County (bridge)	192,215	
24. Pinesdale, Town of (water)	750,000	
25. Power-Teton County Water and Sewer District (water)	604,286	
26. Superior, Town of (water)	600,000	
27. RAE Subdivision County Water and Sewer District No. 313 (water)	750,000	
28. Jefferson County (bridge)	295,800	
29. Fort Benton, City of (stormwater)	750,000	
30. Laurel, City of (wastewater)	750,000	
31. Yellowstone County (bridge)	97,079	
32. Neihart, Town of (water)	223,000	
33. Three Forks, City of (wastewater)	750,000	
34. Manhattan, Town of (water)	600,000	
35. Cut Bank, City of (water)	550,000	
36. Whitehall, Town of (wastewater)	750,000	
37. Crow Tribe (wastewater)	750,000	
38. Big Sandy, Town of (wastewater)	750,000	
39. Fairfield, Town of (wastewater)	750,000	
40. Hamilton, City of (wastewater)	750,000	
41. Gallatin County/Hebgen Lake Estates (wastewater)	750,000	
42. Shelby, City of (water)	750,000	
43. Whitefish, City of (wastewater)	750,000	
44. Panoramic Mountain River Heights (water)	191,500	
45. Custer County (bridge)	63,750	
46. Brady, Town of (wastewater)	750,000	
47. Elk Meadows (water)	410,000	
48. Polson, City of (water)	750,000	
49. Darby, Town of (water)	750,000	
50. Goodan-Keil (water)	532,250	
51. Butte-Silver Bow (water)	750,000	
52. Columbia Falls, City of (wastewater)	750,000	
53. North Valley County (water)	750,000	
54. Saltese, Town of (wastewater)	390,000	
55. Red Lodge, City of (water)	750,000	
56. Black Eagle, Town of (water)	365,000	

(4) This section constitutes a valid obligation of funds to the grant recipients listed in subsection (3) for purposes of encumbering the treasure state endowment state special revenue account funds and other funds during the 2009 biennium pursuant to 17-7-302. However, a grant recipient's entitlement to receive funds is dependent on the grant recipient's compliance with the conditions described in [section 3(1)] and on the availability of funds.

(5) Funding for projects numbered 1 through 56 in subsection (3) ~~and for the department of natural resources~~

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~~and conservation project in subsection (6) will be provided from interest earnings and other funds deposited into the treasure state endowment special revenue account during the biennium ending June 30, 2009, for the projects that have satisfied the conditions described in [section 3(1)] prior to June 30, 2009. Funding for the projects listed in subsection (3) will be made available in the order that the grant recipients satisfy the conditions described in [section 3(1)]. If funds appropriated in subsection (1) are insufficient to fund any of the projects that have satisfied the conditions described in [section 3(1)] prior to June 30, 2009, the treasure state endowment program must fund the projects by borrowing money from the board of investments pursuant to 90-6-701(1)(b) for those projects that have satisfied the conditions described in [section 3(1)] by June 30, 2009. There is appropriated to the department of commerce up to \$17,563,890 for funds borrowed from the board of investments.~~

~~(6) Up to \$2,200,000 is granted to the department of natural resources and conservation in fiscal year 2009, which must be used to fund local government renewable resource projects. The grant may only be awarded for the amount of anticipated shortfall in funding all of the renewable resource program grants authorized in [section 1(3) of House Bill No. 6]. Any unexpended funds remaining from this grant on July 1, 2009, will be remitted to the department of commerce, treasure state endowment program, to be used for repayment of loans."~~

Renumber: subsequent sections

12. Page 7, lines 9 through 11.

Strike: section 11 in its entirety

Insert: "NEW SECTION. **Section 13. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2)[Section 10] is effective July 1, 2011."

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Milburn, Chairman):

3/21/2009

SB 200, be concurred in. Report adopted.

TAXATION (Lake, Chairman):

3/21/2009

HJR 2, introduced joint resolution, be amended as follows:

1. Page 2, line 17.

Strike: "\$1,877,991,000"

Insert: "\$1,873,044,000"

2. Page 2, line 18.

Strike: "\$1,770,914,000"

Insert: "\$1,754,561,000"

Strike: "\$1,830,135,000"

Insert: "\$1,810,546,000"

3. Page 3, line 15.

Strike: "\$856.506"

Insert: "\$852.615"

Strike: "\$845.333"

Insert: "\$838.750"

Strike: "\$859.007"

Insert: "\$850.014"

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4. Page 3, line 17.

Strike: "225.628"

Insert: "221.919"

Strike: "229.428"

Insert: "225.719"

5. Page 3, line 19.

Strike: "157.715"

Insert: "157.284"

Strike: "117.579"

Insert: "115.638"

Strike: "124.250"

Insert: "121.382"

6. Page 3, line 21.

Strike: "94.641"

Insert: "94.769"

Strike: "69.831"

Insert: "66.930"

Strike: "85.220"

Insert: "82.423"

7. Page 4, line 4.

Strike: "47.836"

Insert: "47.880"

Strike: "50.206"

Insert: "50.353"

8. Page 4, line 7.

Strike: "29.319"

Insert: "29.312"

Strike: "28.573"

Insert: "28.574"

Strike: "28.281"

Insert: "28.288"

9. Page 4, line 9.

Strike: "24.986"

Insert: "24.885"

Strike: "28.374"

Insert: "27.796"

Strike: "31.061"

Insert: "30.418"

10. Page 4, line 17.

Strike: "16.673"

Insert: "16.507"

Strike: "7.899"

Insert: "7.967"

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Strike: "15.596"
Insert: "15.905"

11. Page 5, line 9.
Strike: "10.494"
Insert: "10.275"
Strike: "11.244"
Insert: "10.906"
Strike: "11.921"
Insert: "11.453"

12. Page 5, line 11.
Strike: "8.910"
Insert: "8.651"
Strike: "9.237"
Insert: "8.837"
Strike: "9.749"
Insert: "9.194"

13. Page 6, line 7.
Strike: "\$1,877.991"
Insert: "\$1,873.044"
Strike: "\$1,770.914"
Insert: "\$1,754.561"
Strike: "\$1,830.135"
Insert: "\$1,810.546"

14. Page 6, line 19.
Strike: "(9.50%)"
Insert: "(10.75%) "
Strike: "(3.59%)"
Insert: "(5.29%) "
Strike: "6.99% "
Insert: "4.50% "

15. Page 6, line 21.
Strike: "(2.61%)"
Insert: "(4.31%) "
Strike: "(1.52%)"
Insert: "(4.24%) "
Strike: "0.09% "
Insert: "2.72% "

16. Page 7, line 2.
Strike: "10.77% "
Insert: "9.50% "
Strike: "(3.58%)"
Insert: "(0.18%) "
Strike: "(6.43%)"

HOUSE JOURNAL
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Insert: "(7.57%)"

Strike: "3.40%"

Insert: "3.35%"

17. Page 7, line 4.

Strike: "5.39%"

Insert: "3.27%"

Strike: "(6.17%)"

Insert: "(3.71%)"

Strike: "(11.97%)"

Insert: "(4.25%)"

Strike: "4.28%"

Insert: "0.57%"

18. Page 7, line 6.

Strike: "(24.90%)"

Insert: "(36.55%)"

Strike: "19.97%"

Insert: "21.50%"

19. Page 9.

Following: line 18

Insert: "FY Taxable Value Adjustment for Court Decision on Reclassification of Property (Millions)\$0.000
\$0.000

(\$39.048) (\$39.048)"

20. Page 9, line 20.

Strike: "\$2,218.526"

Insert: "\$2,179.478"

Strike: "\$2,265.108"

Insert: "\$2,226.060"

21. Page 11, line 5.

Strike: "\$1,749.800"

Insert: "\$1,740.700"

Strike: "\$1,493.000"

Insert: "\$1,439.600"

Strike: "\$1,499.100"

Insert: "\$1,426.400"

Strike: "\$1,706.500"

Insert: "\$1,680.400"

22. Page 11, line 8.

Strike: "(1.78%)"

Insert: "(1.87%)"

Strike: "(4.00%)"

Insert: "(4.43%)"

Strike: "4.79%"

Insert: "3.81%"

Strike: "3.93%"

HOUSE JOURNAL
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Insert: "3.61%"

23. Page 11, line 10.

Strike: "(1.19%)"

Insert: "(1.18%)"

Strike: "(2.15%)"

Insert: "(3.62%)"

Strike: "5.28%"

Insert: "5.49%"

Strike: "5.43%"

Insert: "5.16%"

24. Page 11, line 12.

Strike: "(0.05%)"

Insert: "(0.11%)"

Strike: "(4.79%)"

Insert: "(3.88%)"

Strike: "4.47%"

Insert: "3.52%"

Strike: "3.59%"

Insert: "3.27%"

25. Page 11, line 14.

Strike: "(0.76%)"

Insert: "(1.01%)"

Strike: "1.36%"

Insert: "(2.79%)"

Strike: "4.74%"

Insert: "5.18%"

26. Page 11, line 19.

Strike: "25.21%"

Insert: "25.32%"

Strike: "(62.58%)"

Insert: "(63.03%)"

Strike: "36.30%"

Insert: "31.27%"

Strike: "7.35%"

Insert: "9.79%"

27. Page 12, line 1.

Strike: "(3.22%)"

Insert: "(4.07%)"

Strike: "(11.55%)"

Insert: "(15.05%)"

Strike: "13.72%"

Insert: "16.21%"

28. Page 12, line 3.

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Strike: "0.14%"
Insert: "0.12%"
Strike: "0.17%"
Insert: "0.18%"

29. Page 12, line 5.

Strike: "(13.24%)"
Insert: "(13.49%)"
Strike: "(21.50%)"
Insert: "(24.75%)"
Strike: "5.94%"
Insert: "6.32%"
Strike: "12.62%"
Insert: "15.15%"

30. Page 12, line 8.

Strike: "(3.22%)"
Insert: "(4.07%)"
Strike: "(11.55%)"
Insert: "(15.05%)"
Strike: "13.72%"
Insert: "16.21%"

31. Page 13, line 18.

Strike: the first "\$34.838"
Insert: "\$89.399"
Strike: the second "\$34.838"
Insert: "\$35.193"
Strike: "\$39.845"
Insert: "\$37.803"
Strike: "\$48.292"
Insert: "\$48.120"

32. Page 13, line 21.

Strike: "\$3.930"
Insert: "\$3.812"
Strike: "\$4.976"
Insert: "\$4.760"
Strike: "\$5.762"
Insert: "\$5.307"

33. Page 15, line 9.

Strike: "\$31.841"
Insert: "\$32.133"
Strike: "\$45.628"
Insert: "\$43.323"

34. Page 15, line 15.

Strike: "\$6.752"

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Insert: "\$6.777"
Strike: "\$3.693"
Insert: "\$3.502"
Strike: "\$5.318"
Insert: "\$5.093"
Strike: "\$5.526"
Insert: "\$5.093"

35. Page 15, line 21.

Strike: "2.01%"
Insert: "1.99%"
Strike: "1.05%"
Insert: "1.06%"
Strike: "2.03%"
Insert: "2.07%"

36. Page 16, line 18.

Strike: "\$7.662"
Insert: "\$7.879"
Strike: "\$7.389"
Insert: "\$7.728"
Strike: "\$7.293"
Insert: "\$7.763"

37. Page 17, line 6.

Strike: "\$2.040"
Insert: "\$2.298"
Strike: "\$2.267"
Insert: "\$2.670"
Strike: "\$2.275"
Insert: "\$2.834"

38. Page 21, line 9.

Strike: "84.139"
Insert: "84.136"
Strike: "71.015"
Insert: "70.488"
Strike: "57.112"
Insert: "57.593"

39. Page 21, line 13.

Strike: "14.671"
Insert: "14.437"
Strike: "14.924"
Insert: "14.690"

40. Page 21, line 15.

Strike: "5.580"
Insert: "5.579"

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Strike: "5.577"
Insert: "5.576"

41. Page 21, line 17.
Strike: "9.251"
Insert: "9.244"
Strike: "9.718"
Insert: "9.712"
Strike: "10.511"
Insert: "10.492"

42. Page 22, line 1.
Strike: "1.079"
Insert: "1.078"
Strike: "1.112"
Insert: "1.110"

43. Page 22, line 4.
Strike: "5.284"
Insert: "5.283"
Strike: "6.027"
Insert: "6.022"
Strike: "6.804"
Insert: "6.784"

44. Page 22, line 6.
Strike: "2.331"
Insert: "2.328"
Strike: "2.573"
Insert: "2.570"
Strike: "2.951"
Insert: "2.941"

45. Page 22, line 8.
Strike: "2.091"
Insert: "2.088"
Strike: "2.347"
Insert: "2.343"
Strike: "2.695"
Insert: "2.683"

46. Page 22, line 16.
Strike: "\$376.430"
Insert: "\$376.412"
Strike: "\$364.228"
Insert: "\$363.447"
Strike: "\$351.547"
Insert: "\$351.731"

47. Page 23.

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Following: following line 19

Insert: "FY Taxable Value Adjustment for Court Decision on Reclassification of Property (Millions)\$0.000
\$0.000
(\$39.048) (\$39.048)"

48. Page 23, line 21.

Strike: "\$2,243.347"

Insert: "\$2,204.299"

Strike: "\$2,289.845"

Insert: "\$2,250.797"

And, as amended, be adopted. Report adopted.

HJR 2, introduced joint resolution, be amended as follows:

1. Page 9, line 8.

Strike: "\$158.838"

Insert: "\$171.854"

Strike: "\$166.733"

Insert: "\$179.749"

2. Page 9, line 10.

Strike: "\$274.906"

Insert: "\$222.842"

Strike: "\$290.454"

Insert: "\$238.390"

And, as amended, be adopted. Report adopted.

MESSAGES FROM THE SENATE

House bill concurred in and returned to the House:

3/21/2009

HB 1, introduced by Balyeat

HB 23 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on **HB 23**:

3/21/2009

Senator Curtiss, Chair

Senator Gallus

Senator Gebhardt

MESSAGES FROM THE GOVERNOR

March 17, 2009

The Honorable Bob Bergren

Speaker of the House

State Capitol

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Helena, Montana 59620

Dear Representative Bergren:

Please be informed that I have signed the following bills on March 16th and 17th and they have been delivered to the Office of the Secretary of State.

March 16th, 2009:

Senate Bill 125 sponsored by Senator Shockley

March 17th, 2009:

House Bill 74 sponsored by Representative Van Dyk,

House Bill 90 sponsored by Representative Hawk,

House Bill 100 sponsored by Representative Steenson,

House Bill 125 sponsored by Representative Mehlhoff,

House Bill 126 sponsored by Representative Augare,

House Bill 168 sponsored by Representative Roundstone,

House Bill 368 sponsored by Representative Fleming et al.,

Senate Bill 42 sponsored by Representative Laslovich,

Senate Bill 90 sponsored by Representative Jackson,

Senate Bill 116 sponsored by Representative Keane,

Senate Bill 125 sponsored by Representative Shockley,

Senate Bill 130 sponsored by Representative Hamlett,

Senate Bill 181 sponsored by Representative Esp.

Sincerely,

BRIAN SCHWEITZER

Governor

March 20, 2009

The Honorable Robert Story, Jr.

President of the Senate

State Capitol

Helena, MT 59620

The Honorable Bob Bergren

Speaker of the House

State Capitol

Helena, MT 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the state of MONTANA, I hereby return with amendments Senate Bill 18, **"AN ACT REVISING THE LAWS GOVERNING FISCAL NOTES; SUBSTITUTING A SPONSOR'S FISCAL NOTE; PROVIDING FOR THE CONTENT OF A SPONSOR'S FISCAL NOTE REBUTTAL; CLARIFYING THE CONTENT OF FISCAL NOTES; AMENDING SECTIONS 5-4-204 AND 5-4-205, MCA; AND PROVIDING AN**

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IMMEDIATE EFFECTIVE DATE."

Senate Bill 18 amends two sections of law pertaining to fiscal notes. Primarily, the purpose of my proposed amendment is to indicate that any estimate charge in revenue in a fiscal note must be based on "appropriate," rather than "accepted," revenue estimating methodologies. My concern is that an "accepted" revenue estimating methodology could be construed to be the methodology used in preparing revenue estimates under Sec. 5-5-227, MCA. This is not always the methodology used currently in the preparation of fiscal notes, and I understand that it was not the intent of the bill to alter current practice in this regard.

Additionally, I have added the word "base" to the phrase "present law" where it is used in the bill, since the term "present law base" is one that is defined in statute. See Sec. 17-7-102, MCA.

I have discussed the amendments with the bill's sponsor, Senator Wanzenreid, who has expressed his support.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 18

1. Page 2, line 30.
Strike: "accepted"
Insert: "appropriate"
2. Page 3, line 3.
Following: "law"
Insert: "base"

- END -

March 20, 2009

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 117, **"AN ACT REVISING STATUTORY APPROPRIATIONS; ELIMINATING CERTAIN STATUTORY APPROPRIATIONS CONCERNING VARIOUS MISCELLANEOUS PROVISIONS; TRANSFERRING THE AUTHORIZED USE OF THE STATUTORY APPROPRIATION FOR THE OPTIONAL RETIREMENT PROGRAM FOR THE ADMINISTRATIVE**

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OFFICERS AND MEMBERS OF THE INSTRUCTIONAL AND SCIENTIFIC STAFF OF THE MONTANA UNIVERSITY SYSTEM FROM THE STATE TREASURER TO THE BOARD OF REGENTS; CONSOLIDATING CERTAIN HORSE RACING STATUTORY APPROPRIATIONS INTO ONE STATUTORY APPROPRIATION; ELIMINATING AN INVALID STATUTORY APPROPRIATION RELATIVE TO THE CERCLA MATCH DEBT SERVICE FUND; AMENDING SECTIONS 17-7-304, 17-7-502, 19-21-203, 23-4-105, 23-4-202, 23-4-204, 23-4-302, 23-4-304, 44-1-504, 53-6-703, 75-5-1108, 75-6-214, 75-10-622, 80-5-510, AND 87-1-513, MCA; AND PROVIDING AN EFFECTIVE DATE" for the following reasons.

Senate Bill 117 was prepared and is by the request of the Legislative Finance Committee (LFC). Among other things, it repeals numerous statutory appropriations in current law that, according to a September 26, 2008 report to the LFC by its staff, were stated as not having been used since at least FY 2001. AT the time the bill was being developed during the interim, it is my understanding that the LFC and certain executive branch agencies believed that loans issued under the water pollution control and drinking water state revolving funds did not require an appropriations by the legislature. When Senate Bill 117 was delivered to me, I learned that loans of state money are considered by stat accountants as payments of money requiring an appropriation under Article VIII, section 14 of the Montana Constitution. I have received similar legal advise as well.

My amendments, therefore, strike sections 11 and 12 of Senate Bill 117 so as to retain the existing statutory appropriations for loans made under the water pollution control and drinking water state revolving funds, which, because of fluctuations in the balances of these funds, require flexible appropriations authority in order to be meaningful.

I have discussed the amendments with the bill's sponsor, Senator Wanzenried, who has expressed his support.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 117

1. Title, line 14

Strike: "75-5-1108, 75-6-214,"

2. Page 3, line 14.

Following: "75--6-214"

Insert: "75-5-1108; 75-6-214;"

3. Page 11, lines 8 through 15.

Strike: sections 11 and 12 in their entirety

Renumber: subsequent sections

- END -

FIRST READING AND COMMITMENT OF BILLS

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The following House bills were introduced, read first time, and referred to committees:

HB 665, introduced by Stahl, referred to Natural Resources.

HB 668, introduced by French, Cohenour, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 31, introduced by McGillvray, J. Peterson, Bennett, Vance, Smith, referred to Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Vincent in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 74 - Conference Committee Report No. 001 - Representative Sands moved the Conference Committee report to **SB 74** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Mendenhall.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 41 - Senate Amendments - Representative Cohenour moved Senate amendments to **HB 41** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk,

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Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 88

Nays: Bean, Butcher, Hendrick, Kerns, Mendenhall, Randall, Regier, Reichner, Roberts, Sales, Warburton.
Total 11

Excused: None.
Total 0

Absent or not voting: Stahl.
Total 1

HB 42 - Representative Campbell moved to pass consideration on **HB 42** for the day. Motion carried.

HB 154 - Representative Bergren moved **HB 154** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Kerns, Mendenhall, Randall, Regier, Sales.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 562 - Representative Cohenour moved **HB 562** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: McGillvray, Mendenhall, More.
Total 3

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Excused: None.
Total 0

Absent or not voting: Jopek.
Total 1

HB 634 - Representative McAlpin moved **HB 634** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 66

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, Peterson, Randall, Reichner, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 26 - Representative K. Peterson moved **SB 26** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 82 - Representative French moved **SB 82** be concurred in. Motion carried as follows:
ey, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett,

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Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Hendrick, Kasten, Sales, Sonju, Taylor, Wagner.
Total 6

Excused: None.
Total 0

Absent or not voting: Milburn.
Total 1

SB 108 - Representative K. Peterson moved **SB 108** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Boniek, Sales, Sonju, Vincent.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 171 - Representative K. Peterson moved **SB 171** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Pomnichowski, Randall, Regier, Reichner, Roberts, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.
Total 79

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Nays: Augare, Barrett, Becker, Belcourt, Boss Ribs, Caferro, Hollenbaugh, Jopek, Malek, McClafferty, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Reinhart, Roundstone, Sesso, Van Dyk, Villa, Wilmer, Wiseman.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 208 - Representative Sands moved **SB 208** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Boniek, Kerns, Mendenhall, Miller, Sales, Stahl, Taylor.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 209 - Representative Blewett moved **SB 209** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Boniek, Mendenhall.
Total 2

Excused: None.
Total 0

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Absent or not voting: Arntzen, B. Beck, Blasdel, Butcher.
Total 4

SB 273 - Representative Butcher moved **SB 273** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: Pease-Lopez, Pomnichowski.
Total 2

Excused: None.
Total 0

Absent or not voting: Miller.
Total 1

SB 319 - Representative Hendrick moved **SB 319** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 42 - Representative Campbell moved to reconsider previous actions taken for **HB 42** and that it be placed at the bottom of today the 63rd legislative day. Motion carried.

SB 325 - Representative French moved **SB 325** be concurred in. Motion carried as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 94

Nays: Campbell, McGillvray, Mendenhall, Miller, Pomnichowski, Wiseman.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 341 - Representative Menahan moved **SB 341** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Augare, Becker, Blasdel, Campbell, Hendrick, McGillvray, Mendenhall, Randall, Reichner, Wagner.

Total 10

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

SB 395 - Representative Vance moved **SB 395** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn,

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Wilmer, Wilson, Mr. Speaker.
Total 96

Nays: Himmelberger, McGillvray, Wiseman.
Total 3

Excused: None.
Total 0

Absent or not voting: McChesney.
Total 1

SB 432 - Representative Blewett moved **SB 432** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 22 - Representative McChesney moved **SJR 22** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 72

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, Morgan, Pomnichowski, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vincent, Wagner, Warburton.
Total 28

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

Representative McNutt assumed the chair.

HB 42 - Representative Vincent moved **HB 42** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Stahl.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Miller, Sales, Van Dyk.

Total 3

Excused: Himmelberger, Hoven, McClafferty, Mendenhall, Phillips, Villa.

Total 6

Absent or not voting: McNutt, Stahl, Vincent, Wagner.

Total 4

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MOTIONS

Rep. Campbell moved that **HB 562** be moved to the Appropriations Committee. Motion carried.
Rep. Campbell moved that **HB 634** be moved to the Appropriations Committee. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Monday, March 23, 2009. Motion carried.

House adjourned at 10:01 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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61ST LEGISLATURE
SIXTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
March 23, 2009

House Chambers
State Capitol

House convened at Rep. p.m. Mr. Speaker in the Chair. Invocation by Caferro. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Lake and McGillvray. Quorum present.

Mr. Speaker introduced the pages for the week. Cameron Carpenter (Great Falls), Tyler Christensen (Sidney), McKenzi Dundas (Billings), Jaelyn Eagle Tail (Crow Agency), Cody Harris (Great Falls), Lena Heuscher (Choteau), Tyrel Obrect (Turner), Dylan Trevor (Helena).

Rep. Brown asked for a moment of silence in honor of Craig Finberg. A moment of silence ensued.

Rep. McNutt announced that Jerome Anderson is seriously ill and is in a hospital in Billings. Rep. McNutt asked for a moment of silence. A moment of silence ensued.

Rep. McChesney announced that the fire in Miles City that has consumed 8 businesses so far is still not under control.

Rep. Blasdel asked for a moment of silence for State Trooper Mike Haynes who is in critical condition after an accident and a 29 year old unidentified driver who passed away this weekend.

Rep. A. Noonan said a few words in honor of the victims of the plane crash that happened yesterday, March 23 in Butte, MT.

Mr. Speaker announced that the deadline for all appropriations bills transmittal is Thursday.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 74, Conference Committee report, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Mendenhall, Wagner.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 41, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland,

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Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: Bean, Blasdel, Butcher, Howard, Kasten, Kerns, Mendenhall, Morgan, P. Noonan, Randall, Regier, Roberts, Sales, Wagner, Warburton.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 42 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 154 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 93

Nays: Boniek, Kerns, Mendenhall, Randall, Regier, Sales, Wagner.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 26 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 82 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Boniek, Sales.

Total 2

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

SB 108 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Boniek, Sales.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 171 concurred in as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson.
Total 82

Nays: Augare, Barrett, Becker, Belcourt, Caferro, Campbell, Hollenbaugh, MacDonald, Malek, McClafferty, A. Noonan, P. Noonan, Pease-Lopez, Roundstone, Van Dyk, Villa, Wiseman, Mr. Speaker.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 208 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven,

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Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: Bennett, Boniek, Himmelberger, Kasten, Kerns, Mendenhall, Miller, Morgan, Randall, Sales, Sonju, Stahl, Taylor, Wagner.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 209 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: B. Beck, P. Beck, Boniek, Mendenhall, More, Morgan, Sonju, Vincent.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 273 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

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Nays: Pease-Lopez, Pomnichowski.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 319 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 325 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson.
Total 91

Nays: Campbell, McGillvray, Mendenhall, Miller, Pomnichowski, Reinhart, Wagner, Wiseman, Mr. Speaker.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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SB 341 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: Augare, P. Beck, Becker, Blasdel, Hendrick, McGillvray, Mendenhall, Miller, Morgan, Randall, Reichner, Stahl, Wagner.

Total 13

Excused: None.

Total 0

Absent or not voting: Vincent.

Total 1

SB 395 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 96

Nays: Himmelberger, McGillvray, Wagner, Wiseman.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 432 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson,

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Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 22 concurred in as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 59

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

SB 299 - Rep. Campbell moved to reconsider the actions on **SB 299** taken on Saturday, March 21, the 63th legislative day. Motion requires simple majority. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 56

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Jones, Kasten, Kerns, McNutt, Mendenhall, Milburn, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner,

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Warburton, Washburn, Welborn.
Total 41

Excused: Lake, McGillvray.
Total 2

Absent or not voting: Driscoll.
Total 1

Rep. Campbell moved to re-refer **SB 299** back to State Administration committee. Motion requires a 3/5th majority.
Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 71

Nays: Ankney, B. Beck, Bennett, Berry, Blasdel, Brown, Hawk, Hendrick, Hoven, Howard, Kasten, Menahan, More, Morgan, Randall, Regier, Reichner, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 27

Excused: Lake, McGillvray.
Total 2

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):
HB 130, introduced bill, be amended as follows:

3/23/2009

1. Title, page 1, line 5.
Strike: "MATCHING"
2. Title, page 1, line 6.
Strike: "AND"
Following: "PRECOMMITMENT"
Insert: ", AND SHORT-TERM INPATIENT TREATMENT"
3. Title, page 1, line 7.
Strike: "PROVIDING AN APPROPRIATION;"
4. Page 1, line 25.
Following: "criteria"
Strike: "are"

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Insert: ", including the commitment of county and other local funds, is"

5. Page 2, line 6.

Strike: "matching fund"

6. Page 2, line 7.

Strike: "and"

Following: "precommitment"

Insert: ", and short-term inpatient treatment"

7. Page 2, line 8 through line 10.

Strike: "THROUGH" on line 8 through "53-21-1001," on line 9

Strike: "matching" on line 9

Strike: "eligible" on line 9 through "year for" on line 10

Insert: ": (a)"

8. Page 2, line 11.

Following: "53-21-139"

Insert: ";

Strike: "and for"

Insert: "(b)"

9. Page 2, line 12.

Following: "2-9-211"

Insert: "; and
(c) short-term inpatient treatment"

10. Page 2, line 12 through line 13.

Strike: "The" on line 12 through "and" on line 13

Insert: "(2) Grant amounts"

Strike: "prorated"

11. Page 2, line 13 through line 14.

Strike: "." on line 13 through "that" on line 14

Insert: "and the prospects that a county or multicounty plan submitted pursuant to subsection (3) will, if implemented,"

Strike: "their" on line 14

Renumber: subsequent subsections

12. Page 2, line 15.

Following: "evaluation"

Insert: "and ultimately result in cost savings to the state"

13. Page 2, line 16.

Strike: "matching"

14. Page 2, line 18.

Following: "funds"

Insert: "and include in the grant application a detailed plan for how the county and other local entities will collaborate

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and commit local funds for the mental health services listed in subsection (1)"

15. Page 2, line 19.

Following: "county"

Insert: "or multicounty"

16. Page 2, line 21.

Following: "services"

Insert: "and short-term inpatient treatment"

17. Page 2, line 27.

Following: "diversion"

Strike: "and"

Insert: ", "

Following: "intervention"

Insert: ", and short-term inpatient treatment"

18. Page 2, line 30.

Strike: "ADMINISTER" through "AND"

19. Page 3, line 1 through line 2.

Strike: "JULY" on line 1

Insert: "August"

Strike: "and" on line 1 through "(4)" on line 2

20. Page 3, line 5 through line 9.

Strike: subsection (4) in its entirety

21. Page 3, line 11 through line 15.

Strike: section 2 in its entirety

Renumber: subsequent sections

22. Page 3, line 19.

Strike: "July 1, 2010"

Insert: "September 1, 2009"

23. Page 3, line 20.

Strike: "As soon as possible after July 1, 2010,"

Insert: "Upon request,"

24. Page 3, line 28.

Insert: "NEW SECTION. Section 4. Coordination instruction. If both House Bill No. 645 and [this act] are passed and approved and if House Bill No. 645 does not include line item funding for a community mental health crisis services demonstration project for the purposes of [this act], then [this act] is void."

Renumber: subsequent section

25. Page 4, line 1.

Strike: "[Section" through "section]"

Insert: "[Sections 1(4) and 4 and this section]"

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And, as amended, do pass. Report adopted.

HB 131, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "DEDICATED"

2. Title, page 1, line 7 through line 8.

Strike: "PROVIDING" on line 7 through "APPROPRIATION;" on line 8

3. Title, page 1, line 9.

Strike: "AN"

Strike: "DATE"

Insert: "DATES"

4. Page 2, line 18.

Strike: "up to three dedicated"

5. Page 2.

Following: line 23

Insert: "(2) Contracting pursuant to this section must take into consideration county strategic plans developed pursuant to 53-21-138 and 53-21-139 and local need for precommitment and short-term inpatient treatment services."

Renumber: subsequent subsections

6. Page 3, line 4 through line 8.

Strike: section 2 in its entirety

Renumber: subsequent sections

7. Page 3, line 12.

Strike: "July 1, 2010,"

Insert: "September 1, 2009,"

8. Page 3, line 13.

Strike: "2011"

Insert: "2010"

9. Page 3, line 14.

Strike: "As" through "2010,"

Insert: "Upon request,"

10. Page 3, line 19.

Insert: "NEW SECTION. **Section 4. Coordination instruction.** If both House Bill No. 645 and [this act] are passed and approved and if House Bill No. 645 does not include line item funding for a community mental health crisis services demonstration project for the purposes of [this act], then [this act] is void."

Renumber: subsequent section

11. Page 3, line 20.

Strike: "date"

Insert: "dates"

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Strike: "[This act]"

Insert: "(1) Except as provided in subsection (2), [this act]"

12. Page 3, line 21.

Insert: "(2) [Sections 1(5) and 4 and this section] are effective on passage and approval."

And, as amended, do pass. Report adopted.

HB 132, introduced bill, be amended as follows:

1. Title, page 1, line 11.

Strike: "BEDS"

2. Title, page 1, line 12.

Strike: "PROVIDING AN APPROPRIATION;"

3. Title, page 1, line 14.

Strike: "AN"

Strike: "DATE"

Insert: "DATES"

4. Page 10, line 28 through line 29.

Strike: "up to" on line 28 through "to" on line 29

5. Page 10, line 30.

Strike: "beds"

6. Page 11, line 4.

Following: ". "

Insert: "When contracting, the department shall consider county strategic plans developed pursuant to 53-21-138 and 53-21-139 that incorporate short-term inpatient treatment as an alternative to involuntary commitment to the state hospital."

7. Page 12, line 1 through line 5.

Strike: section 12 in its entirety

Renumber: subsequent sections

8. Page 12, line 9.

Strike: "July 1, 2010,"

Insert: "September 1, 2009,"

9. Page 12, line 10.

Strike: "2012"

Insert: "2010"

10. Page 12, line 11.

Strike: "As" through "2010,"

Insert: "Upon request,"

11. Page 12, line 17.

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Insert: "NEW SECTION. **Section 14. Coordination instruction.** If both House Bill No. 645 and [this act] are passed and approved and if House Bill No. 645 does not include line item funding for a community mental health crisis services demonstration project for the purposes of [this act], then [this act] is void."

Renumber: subsequent section

12. Page 12, line 18.

Strike: "date"

Insert: "dates"

Strike: "[This act]"

Insert: "(1) Except as provided in subsection (2), [this act]"

13. Page 12, line 19.

Insert: "(2) [Sections 10 and 14 and this section] are effective on passage and approval."

And, as amended, do pass. Report adopted.

HB 152, introduced bill, be amended as follows:

1. Title, page 1, line 15 through line 16.

Following: "PROVIDING" on line 15

Insert: "AN IMMEDIATE"

Strike: "DATES" on line 16

Insert: "DATE"

2. Page 11, line 16 through line 18.

Strike: "dates."

Insert: "date."

Strike: "(1)" on line 16 through "are" on line 18

Insert: "[This act] is"

And, as amended, do pass. Report adopted.

HB 213, introduced bill, be amended as follows:

1. Page 2, line 1.

Following: "the"

Strike: "Montana board of veterans' affairs"

Insert: "senior and long-term care division of the department of public health and human services"

And, as amended, do pass. Report adopted.

HB 250, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "APPROPRIATING FUNDS;"

2. Page 6, line 4 through 7.

Strike: section 4 in its entirety

Renumber: subsequent section

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And, as amended, do pass. Report adopted.

HB 258, introduced bill, be amended as follows:

1. Page 1, line 12.

Following: "appropriated" on line 12

Strike: "\$6,288,208" on page 1, line 12 through "\$6,288,408" on line 16.

Insert: "\$6 million"

Renumber: subsequent subsection

2. Page 1, line 20.

Following: "The"

Strike: "appropriations" through "are"

Insert: "appropriation in subsection (1) is"

And, as amended, do pass. Report adopted.

HB 487, introduced bill, do pass. Report adopted.

HB 577, introduced bill, be amended as follows:

1. Page 2, line 5.

Strike: "scholarships"

Insert: "assistance"

2. Page 2, lines 8 and 9.

Strike: ";" on line 8 through "be" on line 9

Insert: "or must be"

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

HB 583, introduced bill, be amended as follows:

1. Title, line 6.

Following: "AGRICULTURE;"

Insert: "PROVIDING A FUND TRANSFER;"

2. Page 2.

Following: line 13

Insert: "NEW SECTION. **Section 2. Fund transfer.** There is transferred \$740,000 from the research and commercialization state special revenue account established in 90-3-1002 to the state general fund."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

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HB 611, introduced bill, be amended as follows:

1. Page 1, line 21.

Strike: "50%"

Insert: "55%"

2. Page 1, line 22.

Strike: "15%"

Insert: "10%"

And, as amended, do pass. Report adopted.

HB 629, introduced bill, do pass. Report adopted.

HB 659, introduced bill, do pass. Report adopted.

BUSINESS AND LABOR (Wilson, Chairman):

3/23/2009

SB 176, be concurred in. Report adopted.

SB 308, be concurred in. Report adopted.

EDUCATION (Grinde, Chairman):

3/23/2009

SJR 3, be concurred in. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

3/23/2009

SB 156, be concurred in. Report adopted..

SB 227, be concurred in. Report adopted.

SB 276, be concurred in. Report adopted.

SB 367, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

3/23/2009

SB 343, introduced by Jackson

SB 350, introduced by Gillan

SB 460, introduced by Story

House bills concurred in and returned to the House:

3/23/2009

HB 24, introduced by Morgan

HB 58, introduced by Ingraham

HB 106, introduced by French

HB 214, introduced by MacDonald

HB 230, introduced by McClafferty

HB 367, introduced by McGillvray

HJR 7, introduced by Vincent

HJR 25, introduced by Warburton

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/23/2009

HB 55, introduced by Hawk

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HB 133, introduced by Stoker
HB 623, introduced by Milburn

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 666, introduced by Stahl, referred to Taxation.
HB 669, introduced by Vincent, Cohenour, Nooney, Pomnichowski, Van Dyk, Reinhart, Hands, Blewett, Milburn, Menahan, Hendrick, Dickenson, Belcourt, Mehlhoff, Bennett, McGillvray, Warburton, referred to Natural Resources.
HB 670, introduced by Vincent, referred to Taxation.
HB 671, introduced by Stahl, referred to Education.
HB 672, introduced by Jopek, referred to Taxation.
HB 673, introduced by Hoven, Jopek, Tutvedt, referred to Taxation.
HB 674, introduced by Vincent, Cohenour, Pomnichowski, Hendrick, Miller, Mendenhall, Belcourt, Nooney, Blewett, Mehlhoff, Bennett, Menahan, Reinhart, Van Dyk, Hands, Hoven, referred to Taxation.
HB 675, introduced by Wiseman, referred to Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

SB 343, introduced by Jackson, Ankney, Bales, B. Beck, Belcourt, Bennett, Black, Blasdel, Boss Ribs, Brenden, D. Brown, Brueggeman, Butcher, Driscoll, Glaser, Hinkle, Ingraham, MacLaren, Nooney, Pease-Lopez, Pomnichowski, Regier, Reichner, Roberts, Taylor, Wanzenried, Zinke, referred to Agriculture.
SB 350, introduced by Gillan, referred to Appropriations.
SB 460, introduced by Story, Zinke, J. Peterson, R. Brown, Barkus, McGee, Bales, Laible, Hinkle, Brenden, Black, Esp, Tutvedt, Brueggeman, Gebhardt, Lewis, Shockley, Kerns, Sales, McGillvray, Kasten, Hollandsworth, D. Brown, Mendenhall, referred to Appropriations.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hunter in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 6 - Representative McNutt introduced **HB 6** do pass. Motion carried as follows:
HB 6 - Representative Kasten moved that **HB 6** be amended as follows:

1. Page 7, line 27.
Strike: "(Increasing Pump Discharge Line Efficiency: Phase II)"
Insert: "(Fish Screen Buffalo Rapids Irrigation District)"

Motion to amend, carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Bolland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel,

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MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Lake, McGillvray.

Total 2

Absent or not voting: None.

Total 0

HB 6 - Representative McNutt moved **HB 6** do pass, as amended. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Boniek, Ingraham, Kerns, McGillvray, More, Randall, Sales.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 7 - Representative McNutt moved **HB 7** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Boniek, Ingraham, Kerns, McGillvray, More, Sales.

Total 6

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 8 - Representative McNutt moved **HB 8** do pass. Motion requires a **3/4** majority vote from each House. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 92

Nays: Boniek, Ingraham, Kerns, McGillvray, More, Sales.
Total 6

Excused: None.
Total 0

Absent or not voting: Phillips, Welborn.
Total 2

HB 9 - Representative Hollenbaugh moved **HB 9** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 74

Nays: Bean, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hoven, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Randall, Regier, Sales, Smith, Taylor, Vance, Wagner, Warburton, Washburn.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 548 - Representative McAlpin moved **HB 548** do pass. Motion carried as follows:

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Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hunter, Ingraham, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 54

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Hollandsworth, Hoven, Howard, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 73 - Representative Pomnichowski moved **SB 73** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 71

Nays: Ankney, Arntzen, Bean, Bennett, Berry, Blasdel, Boniek, Brown, Hawk, Howard, Kerns, Klock, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Regier, Smith, Stahl, Stoker, Wagner, Warburton, Washburn, Welborn.

Total 28

Excused: None.

Total 0

Absent or not voting: Roberts.

Total 1

SB 111 - Representative Vincent moved **SB 111** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 97

Nays: Kerns.

Total 1

Excused: None.

Total 0

Absent or not voting: McNutt, Roberts.

Total 2

SB 143 - Representative Cohenour moved **SB 143** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Becker, Kerns, More, Randall, Sales, Sonju, Stoker, Taylor.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 185 - Representative Van Dyk moved **SB 185** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: Barrett, Bean, B. Beck, Brown, Butcher, Dickenson, Hawk, Hollandsworth, Kasten, Lake, Menahan, Sales, Sonju.

Total 13

Excused: None.

Total 0

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Absent or not voting: Ankney.
Total 1

SB 188 - Representative Van Dyk moved **SB 188** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Dickenson.
Total 1

Excused: None.
Total 0

Absent or not voting: Campbell.
Total 1

SB 250 - Representative McClafferty introduced **SB 250**.
SB 250 - Representative Blewett moved **SB 250** be amended as follows:

1. Title, page 1, line 7.
Strike: "APPROPRIATING FUNDS;"

2. Page 6, line 4 through 7.
Strike: section 4 in its entirety
Renumber: subsequent section

Motion to amend carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Hawk, Mendenhall, More.
Total 3

Excused: Lake, McGillvray.

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Total 2

Absent or not voting: None.

Total 0

SB 250 - Representative McClafferty moved **SB 250** do pass, as amended. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Hawk, Lake, McGillvray, Mendenhall, More.

Total 5

Excused: None.

Total 0

Absent or not voting: Sonju.

Total 1

SB 340 - Representative McClafferty moved **SB 340** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Hawk, Pomnichowski.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 9 - Representative Grinde moved **SJR 9** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown,

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Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 67

Nays: Ankney, B. Beck, Bennett, Blasdel, Boniek, Hawk, Hendrick, Himmelberger, Hoven, Howard, Kasten, Kerns, MacLaren, McNutt, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hunter moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 79

Nays: Boniek, Kasten, Kerns, Mendenhall, Miller, More, Randall, Regier, Sales, Taylor, Vance, Van Dyk, Vincent.

Total 13

Excused: Lake, McGillvray.

Total 2

Absent or not voting: Ankney, Hollandsworth, McChesney, Pease-Lopez, Wagner, Welborn.

Total 6

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):

3/23/2009

HB 5, introduced bill, be amended as follows:

1. Title, line 14.

Following: "MCA"

Insert: ", AND SECTION 2, CHAPTER 560, LAWS OF 2005"

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Following: "DATE"

Insert: "AND A RETROACTIVE APPLICABILITY DATE"

2. Page 1, line 18.

Strike: "10"

Insert: "12"

3. Page 2, line 1.

Strike: "10"

Insert: "12"

4. Page 2, line 21.

Strike: "1,533,000"

Insert: "1,924,000" [Federal Special Revenue]

Strike: "3,133,000"

Insert: "3,524,000"

5. Page 3, line 1.

Strike: line 1 in its entirety

6. Page 3, line 3.

Strike: both "3,150,000"

Insert: "870,000 [LRBP Fund] 1,500,000 [Federal Special Revenue] 2,370,000[Total]"

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, for state energy programs."

7. Page 3, line 14.

Strike: line 14 in its entirety

8. Page 3, line 21.

Strike: "1,260,000"

Strike: "2,620,000"

Insert: "3,870,000" [Federal Special Revenue]

Insert: "10,000" [Other Funding Sources]

9. Page 3.

Following: line 21

Insert: "Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, for state energy programs and other federal funds received pursuant to the Act."

10. Page 4, line 6.

Strike: the first "1,660,000"

Insert: "1,660,000 [Federal Special Revenue]"

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5."

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11. Page 4, line 20.

Following: line 20

Insert: "Animal Bioscience Facility, MSU-Bozeman 2,500,000 [LRBP Fund] 2,500,000 [Total]

Renovate Existing Laboratory Facilities, MSU-Bozeman 7,500,000[Authority Only] 7,500,000[Total]

Authority is hereby granted to Montana state university to convert existing laboratories to long-term use and to make capital improvements in the indicated amount contingent upon receipt of federal special revenue, grants, or both.

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

Simulated Hospital and Child Care Center, MSU-Great Falls College of Technology 2,000,000 [Federal Special Revenue] 2,000,000 [Total]

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5. Funds must be used for construction costs. Any remaining federal authority will be redirected to construction projects at Montana colleges of technology."

12. Page 5.

Following: line 6

Insert: "Building Addition, Billings Oil and Gas Office 1,300,000 [State Special Revenue] 1,300,000 [Total]"

13. Page 7, line 17.

Following: line 16

Insert: "(4) Authority is being granted to Montana state university in the indicated amount for the purpose of making capital improvements to campus facilities. Authority-only funds may include federal special revenue, donations, grants, and higher education funds. All costs for the operations and maintenance of new improvements constructed under this authorization must be paid by Montana state university from nonstate sources.

Agency/Project	LRBP	State Fund	Federal Special Revenue	Other Special	Authority Funding Revenue	Total Only Sources
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General Spending Authority, MSU-All Campuses 5,000,000 [Authority Only] 5,000,000 [Total]"

Renumber: subsequent subsections

14. Page 8, line 3.

Following: line 2

Insert: "Interdisciplinary Science Building Finish Out, UM-Missoula 8,000,000 [Authority Only] 8,000,000 [Total]

Authority is hereby granted to the university of Montana to make capital improvements for the interdisciplinary science building finish out in the indicated amount contingent upon receipt of special revenue as part of funds made available pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, through competitive grants. All costs for the operation and maintenance of the improvements constructed under this appropriation must be paid by the university of Montana from nonstate sources."

15. Page 8, line 15.

Strike: the first "1,589,000"

Insert: "2,132,000" [Federal Special Revenue]

Strike: the second "1,589,000"

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Insert: "2,132,000"

16. Page 8, line 16.

Strike: line 16 in its entirety

Insert: "Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, for state energy programs."

17. Page 8, line 17.

Strike: the first "600,000"

Insert: "1,000,000" [Federal Special Revenue]

Strike: the second "600,000"

Insert: "1,000,000"

18. Page 8, line 18.

Strike: line 18 in its entirety

Insert: "Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, for state energy programs."

19. Page 8, line 19.

Strike: the first "5,525,000"

Insert: "5,375,000" [Federal Special Revenue]

Strike: the second "5,525,000"

Insert: "5,375,000"

20. Page 8, line 20.

Strike: line 20 in its entirety

Insert: "Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, for state energy programs."

Energy Conservation Improvements, Montana University System 9,697,000 [Federal Special Revenue] 9,697,000 [Total]

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, for state energy programs."

(8) The following money is appropriated to the department of natural resources and conservation in the indicated amounts for the purpose of making capital improvements as indicated:

Agency/Project LRBP State Federal Other Authority Total

Fund Special Special Funding Only

Revenue Revenue Sources

Rehabilitation of State-Owned Dams 575,000[State Special Revenue] 575,000[Total]

Rehabilitation of Ruby Dam 2,000,000[State Special Revenue] 2,000,000[Total]

21. Page 9, line 9.

Strike: the first "2,000,000"

Insert: "3,000,000"

Strike: the second "2,000,000"

Insert: "3,000,000"

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22. Page 9, line 11.

Insert: "NEW SECTION. Section 6. Montana stimulus capital improvements. (1) The following money is appropriated for the indicated capital projects from the indicated sources to the department of administration. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of administration is authorized to transfer the appropriations, authority, or both among the necessary fund types for these projects.

Agency/Project	LRBP	State	Federal	Other	Authority	Total
		Fund	Special	Special	Funding	Only
			Revenue	Revenue	Revenue	Sources

Exterior Envelope Improvements, Montana Law Enforcement Academy 425,000 [Federal Special Revenue] 425,000 [Total]

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

Facility Repairs and Improvements, WATCH East 650,000 [Federal Special Revenue] 650,000 [Total]

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

Facility Repairs and Improvements, DNRC Swan and Stillwater Units 335,172 [LRBP Fund] 64,828 [Federal Special Revenue] 400,000 [Total]

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

Renovate Low Support, Phase 2, Montana State Prison 1,240,000 [Federal Special Revenue] 1,240,000 [Total]

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

Renovate Main Hall, Phase 2, UM-Western 6,000,000 [Federal Special Revenue] 6,000,000 [Total]

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

Renovation/Addition to Spratt Building, Montana State Hospital 1,640,000 [Federal Special Revenue] 1,640,000 [Total]

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

Montana Veterans' Home Improvements, Statewide 1,200,000 [Federal Special Revenue] 1,200,000 [Total]

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

Consolidate DNRC Divisions, Missoula 350,000 [LRBP Fund] 350,000 [Total]

Office of Public Assistance, Wolf Point 2,250,000 [Federal Special Revenue] 2,250,000 [Total]

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

Statewide Facilities Planning 400,000 [LRPB Fund] 400,000 [Total]

Central Land Office Building Renovation/Replacement, DNRC 1,600,000 [Federal Special Revenue] 1,600,000 [Total]

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Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

Energy Conservation Improvements, Montana University System 12,300,000 [Federal Special Revenue] 4,500,000 [Authority Only] 16,800,000 [Total]

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5. The highest priority use of funds provided in this appropriation is to augment projects initiated with the state energy program funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, and appropriated in [section 4] for the Montana university system to address related modernization, repairs, and renovation costs that the department of administration considers prudent to construct within the same project. If the federal state energy program funds are exhausted, the remaining funds in this appropriation may be used to entirely fund additional energy conservation projects and related improvements.

Rose Creek Hatchery 5,000,000 [Federal Special Revenue] 5,000,000 [Total]

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

(2) The following money is appropriated to the department of military affairs in the indicated amounts for the purpose of making capital improvements to statewide facilities. Funds not requiring legislative appropriation are included for the purpose of authorization. All costs for the operation and maintenance of any new improvements constructed with these funds must be paid by the department of military affairs with nonstate revenue.

Agency/Project	LRBP	State Fund	Federal Special Revenue	Other Special Revenue	Authority Funding Revenue	Total Only Sources
----------------	------	---------------	-------------------------------	-----------------------------	---------------------------------	--------------------------

Construct Female Latrines – Department of Military Affairs, Culbertson and Malta 451,800 [Federal Special Revenue] 451,800 [Total]

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, for national guard operations and maintenance.

Helicopter Dip Site – Department of Military Affairs, Fort Harrison 279,268 [Federal Special Revenue] 279,268 [Total] Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, for national guard operations and maintenance.

Vault Modifications – Department of Military Affairs, Statewide 500,000 [Federal Special Revenue] 500,000 [Total] Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, for national guard operations and maintenance.

(3) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital improvements to statewide facilities. Funds not requiring legislative appropriation are included for the purpose of authorization.

Agency/Project	LRBP	State Fund	Federal Special Revenue	Other Special Revenue	Authority Funding Revenue	Total Only Sources
----------------	------	---------------	-------------------------------	-----------------------------	---------------------------------	--------------------------

Mobley Diversion Watershed 300,000 [Federal Special Revenue] 300,000 [Total]

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

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Fort Peck Hatchery Infrastructure 720,000 [Federal Special Revenue] 720,000 [Total]

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

Fort Peck Hatchery Hydroelectric Generation 9,200,000 [Federal Special Revenue] 9,200,000 [Total]

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

Willow Creek Feeder Canal Project 1,250,000 [Federal Special Revenue] 1,250,000 [Total]

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

Vandalia Fish Passage 5,000,000 [Federal Special Revenue] 5,000,000 [Total]

Federal special revenue funds consist of federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5."

Renumber: subsequent sections

23. Page 9, line 19.

Following: line 18

Insert: "(3) The department of administration may transfer appropriations and authority, as appropriate, between projects in [section 2 or 6] to maximize utilization of the federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5."

24. Page 9, line 19.

Insert: "NEW SECTION. Section 8. Reappropriation of remaining balance to Montana tech. (1) Any portion of the Augment Petroleum, Bureau of Mines and Geology, UM-MT Tech project appropriation of \$5.2 million of long-range building program (LRBP) funds appropriated in section 2, Chapter 3, Special Laws of May 2007, that is unexpended for the project is reappropriated for the following projects:

Mining and Geology Building, HVAC Upgrade, UM-MT Tech	\$530,000
---	-----------

Health Sciences Building, ADA Accessible Bathrooms on Floors 1 and 2 and Elevator, UM-MT Tech

\$1,930,000

Evaluation of Main Hall Structure, UM-MT Tech	\$40,000
---	----------

(2) There are no additional operations and maintenance costs associated with the new projects, and energy upgrades will offset the costs of operating the new elevator."

Renumber: subsequent sections

25. Page 10, line 12.

Strike: "4"

Insert: "7"

26. Page 10, line 18.

Strike: "9"

Insert: "11"

27. Page 10, line 19.

Strike: "9"

Insert: "11"

28. Page 12, line 20.

Strike: "15"

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Insert: "17"

29. Page 15, line 10.

Strike: "15"

Insert: "17"

30. Page 16, line 19.

Strike: "16"

Insert: "18"

31. Page 17, line 11.

Strike: "16"

Insert: "18"

32. Page 18.

Following: line 10

Insert: "Section 20. Section 2, Chapter 560, Laws of 2005, is amended to read:

"Section 2. Capital projects appropriations and authorizations. (1) Subject to [section 9(2)], the following money is appropriated for the indicated capital projects from the indicated sources to the department of administration. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of administration is authorized to transfer either or both the appropriations and authority among the necessary fund types for these projects:

Agency/Project	LRBP	Other Funding Sources
MONTANA SCHOOL FOR THE DEAF AND BLIND		
Facility Improvements, Montana School for the Deaf and Blind	\$398,000	
DEPARTMENT OF ADMINISTRATION		
Roof Repair and Replacement, Statewide	3,076,242	\$206,500
Federal Special Revenue		
Repair/Preserve Building Exteriors, Statewide	497,500	
Window Repairs and Replacement, Statewide	1,268,625	
Deferred Maintenance, Montana Law Enforcement Academy	761,175	
Hazardous Materials Abatement, Statewide	497,500	
Code/Deferred Maintenance Projects, Statewide	1,255,989	
90,000 Federal Special Revenue		
Repair Deteriorated Campus Infrastructure, Statewide	547,250	
Major Maintenance and Repairs to State Capitol	497,500	
Upgrade Fire Alarm Systems, Statewide	398,000	
Repair Elevators, Capitol Complex	796,000	
Upgrade 1100 North Last Chance Gulch	1,201,960	
DPHHS Commodity Warehouse		
Expansion, Helena	2,000,000	Federal Special Revenue
Public Restrooms, Virginia City and Nevada City	99,450	
Public Safety Learning Center,		
Montana Law Enforcement Academy	3,450,000	Federal Special Revenue
Long-range Building Program Funding Interim Project	8,000	
Capitol Annex or Alternatives Feasibility Study	500,000	
Capitol Land Grant Funds		
MONTANA HISTORICAL SOCIETY		

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Montana Historical Society Building, Helena	30,000,000	
Donations and Grants		
Authority is granted to the department of administration in the indicated amount for the construction of a new historical society building.		
DEPARTMENT OF CORRECTIONS		
Improve Water System, Montana State Prison	124,375	
Improve High-Side Kitchen Ventilation,		
Montana State Prison	116,714	
Improve Perimeter Security, Montana State Prison	1,393,000	
DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
Hatchery Maintenance, Statewide	575,000	State Special Revenue
	575,000	Federal Special Revenue
Rose Creek Hatchery	1,700,000	State Special Revenue
Fort Peck Storage/Office Space	50,000	State Special Revenue
	150,000	Federal Special Revenue
Administrative Facilities Repair, Maintenance		
and Improvements	800,000	State Special Revenue
DEPARTMENT OF MILITARY AFFAIRS		
Federal Spending Authority	2,100,000	Federal Special Revenue
Western Montana Veterans' Cemetery, Missoula	3,200,000	
Federal Special Revenue		
Montana State Veterans' Cemetery Columbarium,		
Fort Harrison	500,000	Federal Special Revenue
MONTANA UNIVERSITIES AND COLLEGES		
ADA/Code/Deferred Maintenance Projects,		
Montana University System	1,393,000	
Upgrade Steam Distribution System,		
UM-Missoula	5,905,325	3,060,000 Auxiliary Funds
Upgrade HVAC Systems, Pershing and		
Brockman Halls, MSU-Northern	521,380	
Heating System Improvements, Academic		
Center and McMullen Halls, MSU-Billings	243,775	
Mining and Geology Building Mechanical System		
Renovation, UM-Butte	915,400	
Upgrade Health Sciences HVAC System,		
Phase 2, UM-Missoula	965,150	
Renovate Domestic Water Distribution System,		
UM-Dillon	182,185	
Classroom/Laboratory Upgrades, Montana		
University System	995,000	
Facility Repairs and Improvements, MSU-Billings	542,275	
Heating Plant Phase 3, MSU-Bozeman	945,250	
Renovate HVAC Systems, Science Complex		
3rd and 4th Floors, UM-Missoula	606,950	
Water/Sewer System Repairs and Maintenance,		
MSU-Bozeman	248,750	250,000 Auxiliary Funds
Upgrade Primary Electrical Distribution,		
MSU-Bozeman	746,250	750,000 Auxiliary Funds
Facility Repairs and Improvements,		
MSU-Agricultural Experiment Stations	477,600	
MSU-Agricultural Experiment Station Projects	646,750	

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Campus Improvements, MSU-Northern 636,800 300,000 Auxiliary Funds

New Construction, Consolidate Campus,

UM-Missoula College of Technology 24,500,000

Federal Special Revenue, Donations, Grants, and
Higher Education Funds

Authority is granted to the department of administration in the indicated amount for the purpose of constructing a new university of Montana-Missoula college of technology.

Native American Study Center, UM-Missoula 2,500,000

Federal Special Revenue, Donations, Grants, and
Higher Education Funds

Authority is granted to the department of administration in the indicated amount for the purpose of constructing the Native American center. This authority augments \$3,500,000 of existing authority for this capital improvement.

New Gallery Space, UM-Missoula 6,000,000 Federal Special Revenue,
Donations, Grants, and

Higher Education Funds

Authority is granted to the department of administration in the indicated amount for the purpose of constructing new gallery space.

New Forestry Complex, UM-Missoula 20,000,000
Federal Special Revenue, Donations, Grants, and

Higher Education Funds

Authority is granted to the department of administration in the indicated amount for the purpose of constructing the new forestry complex.

MBMG/Petroleum Building, UM-Tech, Butte 5,400,000
Federal Special Revenue, Donations, Grants, and

Higher Education Funds

Authority is granted to the department of administration in the indicated amount for the purpose of constructing the MBMG/petroleum building.

Research Lab Facility, UM-Missoula 3,000,000 Federal Special Revenue,
Donations, Grants, and

Higher Education Funds

Authority is granted to the department of administration in the indicated amount for the purpose of constructing the research lab facility. Any increase in costs for the operations and maintenance of the research lab facility must be paid by the university of Montana with nonstate revenue.

Law Building ADA Improvements/

Renovation/Expansion, UM-Missoula 500,000

This state money augments \$5,000,000 of existing authority for this project.

School of Journalism Building, UM-Missoula 500,000

This state money augments \$12,000,000 of existing authority for this project.

VisComm Black Box Theater,

MSU-Bozeman 2,750,000 Federal Special Revenue,
Donations, Grants, and Higher Education Funds

Authority is granted to the department of administration in the indicated amount for the purpose of constructing the new viscomm black box theater.

Animal Bioscience Building, MSU-Bozeman 7,500,000 Federal Special Revenue, Donations,
Grants, and Higher Education Funds

Authority is granted to the department of administration in the indicated amount for the purpose of constructing the new animal bioscience building. This authority augments \$5,000,000 of existing authority for this capital improvement.

Museum of the Rockies, MSU-Bozeman 12,000,000 Federal Special Revenue,

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Donations, Grants, and
Higher Education Funds

Authority is granted to the department of administration in the indicated amount for the purpose of constructing improvements to the museum of the rockies.

Native American Student Center, MSU-Bozeman 8,000,000

Federal Special Revenue, Donations, Grants, and
Higher Education Funds

Authority is granted to the department of administration in the indicated amount for the purpose of constructing the new Native American student center.

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

Facility Improvements, Montana

State Hospital, Warm Springs 592,523

Facility Improvements, Montana

Developmental Center, Boulder 218,044

Demolish Abandoned Buildings,

Public Health and Human Services 1,741,250

Stabilize Old Administration Building, Montana

Developmental Center, Boulder 179,100

Housing for High-Risk Behaviors 2,529,290

Special Care Unit Renovations,

Eastern Montana Veterans' Home, Glendive 475,000

State Special Revenue

Facility Renovation and Improvements,

Montana Veterans' Home, Columbia Falls 465,000

State Special Revenue

Construct Chapel, Montana State Hospital,

Warm Springs 350,000 Donations and Grants

Authority is granted to the department of administration in the indicated amount for the purpose of constructing the chapel at the Montana state hospital in Warm Springs.

DEPARTMENT OF TRANSPORTATION

Equipment Storage Buildings, Statewide 635,000 State Special Revenue

Chiller/Cooling Towers Replacement,

Helena Headquarters 350,000 State Special Revenue

Office Addition, Billings 500,000 State Special Revenue

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Replace Clearwater Unit Fire Cache 248,750

OFFICE OF THE GOVERNOR

Historic and Cultural Properties Interim Study 20,000

(2) (a) For the purpose of constructing a privately funded chapel at the Montana state hospital in Warm Springs, the department of administration may waive, in whole or in part, the requirements pertaining to:

(i) bidding and bonding for state building projects in Title 18;

(ii) labor requirements in Title 18; and

(iii) contractor registration in Title 39.

(b) The waiver pursuant to subsection (2)(a) may be exercised in the following circumstances:

(i) to obtain the volunteer services and donated materials from members of the public, civic organizations, and other entities;

(ii) to obtain the compensated services of contractors who are donating significant amounts of labor, time, and materials; and

(iii) to meet the terms and conditions for receipt of major sums of money from private or public funding sources, including individual donations.

(3) (a) For the purpose of selling the Jocko fish hatchery to the Confederated Salish and Kootenai tribes and

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in exchange for constructing and improving the fish hatchery at the Rose Creek hatchery, the department of fish, wildlife, and parks may waive, in whole or in part, the requirements pertaining to:

- (i) public bids for land disposal in 87-1-209(3); and
- (ii) the real property trust fund in 87-1-601.

(b) The waiver pursuant to subsection (3)(a) may be exercised only under the circumstances described in subsection (3)(a). The waiver does not affect the department's requirement to obtain full market value pursuant to Article X, section 11, of the Montana constitution.

(4) It is the intent of the legislature that the department of administration plan and construct a Montana historical society building at the 6th avenue and Roberts street site in Helena, Montana, with the remaining balance of the \$7.5 million of bonds authorized in Chapter 499, Laws of 2005, and the \$30 million in donation and grant authority in this section."

Renumber: subsequent sections

33. Page 18, line 12.

Strike: "15"

Insert: "17"

Strike: "17"

Insert: "19"

34. Page 18, line 13.

Strike: "15"

Insert: "17"

Strike: "17"

Insert: "19"

35. Page 18.

Following: line 20

Insert: "NEW SECTION. Section 24. Retroactive applicability. [Section 18] applies retroactively, within the meaning of 1-2-109, to May 2, 2005."

And, as amended, do pass. Report adopted.

HB 152, introduced bill, be amended as follows:

1. Title, page 1, line 15 through line 16.

Following: "PROVIDING" on line 15

Insert: "AN IMMEDIATE"

Strike: "DATES" on line 16

Insert: "DATE"

2. Page 11, line 16 through line 18.

Strike: "dates."

Insert: "date."

Strike: "(1)" on line 16 through "are" on line 18

Insert: "[This act] is"

And, as amended, do pass. Report adopted.

HB 173, introduced bill, be amended as follows:

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1. Title, line 5.

Strike: "APPROPRIATING"

Insert: "PROVIDING FOR AN ALLOCATION OF"

2. Page 3, lines 21 and 22.

Strike: "Appropriation" on line 21

Insert: "Allocation of available funds"

Following: "Appropriation." on line 21

Strike: remainder of line 21 through "used" on line 22

Insert: "(1) If funds are made available for the program in [section 1], then the funds must be allocated"

3. Page 3, line 24.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsection

4. Page 3.

Following: line 28

Insert: "(2) If less than \$450,000 is available for the program provided for in [section 1], then the funding must be prorated on the basis of the allocations in subsection (1)."

5. Page 4.

Following: line 2

Insert: "NEW SECTION. **Section 4. Contingent voidness.** If funding for the program established in [section 1] is not included as an item in House Bill No. 645, then [this act] is void."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 213, introduced bill, be amended as follows:

1. Page 2, line 1.

Following: "the"

Strike: "Montana board of veterans' affairs"

Insert: "senior and long-term care division of the department of public health and human services"

And, as amended, do pass. Report adopted.

HB 258, introduced bill, be amended as follows:

1. Page 1, line 12.

Following: "appropriated" on line 12

Strike: "\$6,288,208" on page 1, line 12 through "\$6,288,408" on line 16.

Insert: "\$6 million"

Renumber: subsequent subsection

2. Page 1, line 20.

Following: "The"

Strike: "appropriations" through "are"

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Insert: "appropriation in subsection (1) is"

And, as amended, do pass. Report adopted.

HB 333, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.

Strike: "APPROPRIATING" on line 6 through "RESEARCH;" on line 7

2. Page 2, line 28 through page 3, line 2.

Strike: section 3 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 411, introduced bill, be amended as follows:

1. Page 2, line 24.

Strike: "-- review by governor --"

Insert: "for"

2. Page 2, lines 25 through 29.

Strike: subsection (1) in its entirety

Insert: "(1) For large projects as described in [section 2(3)], the department shall prepare and submit a list to the legislature, prioritized pursuant to rules adopted pursuant to [section 1], containing the recommended projects and the recommended form and amount of financial assistance for each project."

3. Page 6, line 3.

Insert: "NEW SECTION. **Section 5. Contingent voidness.** If funding for the program established in [sections 1 through 3] is not included as an item in House Bill No. 645, then [this act] is void."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 459, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Strike: "PROVIDING AN APPROPRIATION;"

2. Page 2, line 18 through line 21.

Strike: section 2 in its entirety

3. Page 2.

Following: line 27

Insert: "NEW SECTION. **Section 4. Coordination instruction.** If both House Bill No. 645 and [this act] are passed and approved and if House Bill No. 645 does not include line item funding for the Montana virtual academy for the purposes of [this act], then [this act] is void."

And, as amended, do pass. Report adopted.

ANNOUNCEMENTS

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Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Tuesday, March 24, 2009. Motion carried.

House adjourned at 2:33 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SIXTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
March 24, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Regier. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representative Howard, excused. Quorum present.

Rep. Brown and the body sang Happy Birthday to Rep. Phillips.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):
HB 598, introduced bill, be amended as follows:

3/24/2009

1. Title, line 4.

Strike: "AN ENTERTAINER"

Insert: "A CONTRACT MUSICIAN"

2. Title, line 5 through line 6.

Strike: "PROVIDING" on line 5 through "EXEMPTION;" on line 6

3. Page 4, line 6.

Strike: "an entertainer" through "(7)"

Insert: "a contract musician"

4. Page 5, line 15 through line 20.

Strike: subsection (7) in its entirety

And, as amended, do pass. Report adopted.

SB 84, be concurred in. Report adopted.

SB 86, be concurred in. Report adopted.

SB 127, be concurred in. Report adopted.

SB 133, be amended as follows:

1. Title, line 13.

Following: "PROVISIONS;"

Insert: "REQUIRING THAT INSURED PAY ONLY THE REQUIRED COPAYMENT OR OTHER COST-SHARING REQUIREMENT-+ FOR COVERED PRESCRIPTION DRUGS AT THE TIME OF PURCHASE;"

2. Title, line 16.

Following: "33-21-113,"

Insert: "33-22-101,"

3. Title, line 17.

Following: "33-22-530,"

Insert: "33-22-602,"

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Following: "33-31-311, MCA;"
Strike: "AND"

4. Title, line 18.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

5. Page 22, line 10.

Insert: "Section 23. Section 33-22-101, MCA, is amended to read:

"33-22-101. Exceptions to scope. (1) Subject to subsection (2), parts 1 through 4 of this chapter, except 33-22-107, 33-22-110, 33-22-111, 33-22-114, 33-22-125, 33-22-129, 33-22-130 through 33-22-136, 33-22-140, 33-22-141, 33-22-142, 33-22-243, and 33-22-304, and part 19 of this chapter do not apply to or affect:

(a) any policy of liability or workers' compensation insurance with or without supplementary expense coverage;

(b) any group or blanket policy;

(c) life insurance, endowment, or annuity contracts or supplemental contracts that contain only those provisions relating to disability insurance that:

(i) provide additional benefits in case of death or dismemberment or loss of sight by accident or accidental means; or

(ii) operate to safeguard contracts against lapse or to give a special surrender value or special benefit or an annuity if the insured or annuitant becomes totally and permanently disabled as defined by the contract or supplemental contract;

(d) reinsurance.

(2) Sections 33-22-150 through 33-22-152, [section 24], and 33-22-301 apply to group or blanket policies."

Insert: "NEW SECTION. Section 24. Cost-sharing requirements -- applicability. (1) Each group or individual health insurance policy, certificate of insurance, and membership contract that covers prescription drugs and that is delivered, issued for delivery, renewed, extended, or modified in this state must provide that after the applicable deductible is met, the insured shall pay only the required copayment or other cost-sharing requirement for a covered prescription drug at the time of purchase if the prescription drug dispenser, third-party administrator, or health insurance issuer can determine that amount at the time of purchase.

(2) This section applies to blanket policies issued pursuant to Title 33, chapter 22, part 6.

(3) This section does not apply to disability income, hospital indemnity, medicare supplement, accident-only, vision, dental, or long-term care policies."

Renumber: subsequent sections

6. Page 25, line 10.

Insert: "Section 29. Section 33-22-602, MCA, is amended to read:

"33-22-602. Required provisions of blanket policies. ~~Any~~ An insurer authorized to write disability insurance in this state ~~shall have~~ has the power to issue blanket disability insurance. ~~No such~~ A blanket policy may ~~not~~ be issued or delivered in this state unless a copy of the policy form ~~thereof shall have been~~ is filed in accordance with 33-1-501. ~~Every such~~ A blanket policy ~~shall must~~ contain provisions ~~which that~~ in the opinion of the commissioner are at least as favorable to the policyholder and the individual insured as the following: ~~a provision that provisions:~~

(1) the policy and the application ~~shall~~ constitute the entire contract between the parties, ~~and that~~ all statements made by the policyholder ~~shall are~~, in absence of fraud, ~~be deemed~~ considered representations and not warranties, ~~and that no such~~ statements ~~shall may not~~ be used in defense to a claim under the policy; unless it is contained in a written application;

(2) written notice of sickness or of injury must be given to the insurer within 20 days after the date when ~~such the~~ sickness or injury occurred. Failure to give notice within ~~such time shall~~ 20 days may not invalidate or reduce ~~any a~~ claim if it ~~shall be shown not to have been~~ the insured shows that it was not reasonably possible to give ~~such the required~~ notice and that notice was given as soon as was reasonably possible.

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(3) the insurer will furnish to the policyholder ~~such forms as are usually furnished by it~~ for filing proof of loss. If ~~such forms are not furnished before the expiration of~~ within 15 days after the ~~giving of such notice~~ insured provided notice of sickness or injury, the claimant ~~shall be deemed~~ is considered to have complied with the requirements of the policy as to proof of loss upon submitting, within the time ~~fixed~~ established in the policy for filing proof of loss, written proof covering the occurrence, character, and extent of the loss for which claim is made.

(4) in the case of a claim for loss of time for disability, written proof of ~~such the~~ loss must be furnished to the insurer within 30 days after the commencement of the period for which the insurer is liable and ~~that~~ subsequent written ~~proofs~~ proof of the continuance of ~~such the~~ disability must be furnished to the insurer at ~~such~~ intervals as established by the insurer, ~~may reasonably require and that in~~ In the case of a claim for any other loss, written proof of ~~such the~~ loss must be furnished to the insurer within 90 days after the date of ~~such the~~ loss. Failure to furnish ~~such~~ proof within ~~such time shall~~ 90 days may not invalidate or reduce ~~any a~~ claim if it ~~shall be shown not to have been~~ the insured shows it was not reasonably possible to furnish ~~such the required~~ proof and that ~~such~~ proof was furnished as soon as was reasonably possible.

(5) except as provided in [section 24], all benefits payable under the policy other than benefits for loss of time ~~will be~~ are payable immediately upon receipt of ~~due~~ written proof of ~~such the~~ loss, ~~and that, subject~~ Subject to ~~due~~ proof of loss, all accrued benefits payable under the policy for loss of time ~~will~~ must be paid ~~not later than at the expiration of each period of~~ at least every 30 days during the continuance of the period for which the insurer is liable, ~~and that any~~ Any balance remaining unpaid at the termination of ~~such period will~~ the period of liability must be paid immediately upon receipt of ~~such the~~ proof; of loss.

(6) the insurer at its own expense ~~shall have~~ has the right and opportunity to examine the person of the insured when and ~~so as~~ often as it ~~may~~ reasonably ~~require~~ required during the pendency of a claim under the policy and also the right and opportunity to make an autopsy in case of death ~~where~~ when it is not prohibited by law;

(7) ~~no an~~ action at law or in equity ~~shall may not~~ be brought to recover a loss under the policy ~~prior to the expiration of~~ sooner than 60 days after written proof of loss has been furnished in accordance with the requirements of the policy and ~~that no such action shall be brought after the expiration of~~ no later than 3 years after the time written proof of loss is required to be furnished."

Renumber: subsequent sections

7. Page 32, line 14.

Following: "33-22-152,"

Insert: "[section 24],"

8. Page 33, line 11.

Following: "33-22-152,"

Insert: "[section 24],"

9. Page 33, line 23.

Insert: "NEW SECTION. Section 36. Codification instruction. [Section 24] is intended to be codified as an integral part of Title 33, chapter 22, part 1, and the provisions of Title 33, chapter 22, part 1, apply to [section 24]."

Renumber: subsequent section

10. Page 33, line 25.

Insert: "NEW SECTION. Section 38. Applicability. [Section 24] applies to policies, certificates, and membership contracts that are delivered, issued, renewed, extended, or modified on or after January 1, 2010."

And, as amended, be concurred in. Report adopted.

SB 151, be concurred in. Report adopted.

SB 174, be amended as follows:

1. Page 7, line 14.

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Following: "certified"
Insert: "clinical"

And, as amended, be concurred in. Report adopted.

SB 275, be concurred in. Report adopted.
SB 356, be concurred in. Report adopted.
SB 444, be concurred in. Report adopted.

EDUCATION (Grinde, Chairman): 3/24/2009
SJR 25, be concurred in. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman): 3/24/2009
HJR 30, be adopted. Report adopted.
SB 124, be concurred in. Report adopted.

TRANSPORTATION (Sonju, Chairman): 3/24/2009
SB 222, be concurred in. Report adopted.
SB 249, be concurred in. Report adopted.
SB 268, be concurred in. Report adopted.
SB 349, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 23**

Report No. 1, March 24, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 23** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 23** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

Strike: "APPLICABILITY"

Insert: "IMMEDIATE EFFECTIVE"

2. Page 2, line 8 through line 9.

Strike: section 3 in its entirety

Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

For the House:

Phillips, Chairman
D. Brown
Himmelberger
McAlpin

For the Senate:

Gebhardt, Chairman
Gallus
Gebhardt

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MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 3/23/2009

SB 264, introduced by Brueggeman

SB 429, introduced by Zinke

SB 467, introduced by Balyeat

House bills concurred in and returned to the House: 3/23/2009

HB 21, introduced by Dickenson

HB 155, introduced by Pomnichowski

HB 193, introduced by Augare

HB 307, introduced by Roberts

HB 322, introduced by Blewett

HB 326, introduced by Mendenhall

HB 372, introduced by Wilmer

HB 387, introduced by Reichner

HB 621, introduced by Wilson

Conference Committee Report No.1 adopted: 3/23/2009

SB 74, introduced by Laible

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/23/2009

HB 150, introduced by D. Brown

HB 195, introduced by Hamilton

HB 291, introduced by Sonju

HB 354, introduced by Glaser

HB 397, introduced by Kottel

HB 407, introduced by MacDonald

MESSAGES FROM THE GOVERNOR

March 23, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Bergren and President Story:

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In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 171, "**AN ACT REPEALING LAWS REGULATING PROFESSIONAL AND SEMIPROFESSIONAL COMBATIVE EVENTS; AMENDING SECTION 2-6-109, MCA; REPEALING SECTIONS 23-3-301, 23-3-402, 23-3-404, 23-3-405, 23-3-501, 23-3-502, 23-3-601, 23-3-602, 23-3-603, AND 23-3-611, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

House Bill 171, as passed by the legislature, repeals all state regulation of professional and semiprofessional combative events. Those events include boxing, wrestling, mud wrestling, martial arts, and other combative events. My proposed amendments would retain state regulation of professional boxing, only, which will have the effect of allowing professional boxing events in Montana to be held in conformity with national safety standards for boxing. With out such amendments, the concern is that any professional boxing events in Montana would go unregulated and would not be recognized nationally. None of the other combative events currently regulated by the state have federal safety counterparts.

I have discussed the amendments with the bill's sponsor, Representative Augare, who has no objection.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 171

2. Title, line 5.

Following: "ACT"

Strike: "REPEALING"

Insert: "RETAINING THE REGULATION OF PROFESSIONAL BOXING AND ELIMINATING ALL OTHER"

3. Title, line 6.

Strike: "SECTION 2-6-109, MCA; REPEALING"

4. Title, line 7.

Following: "23-3-602,"

Insert: "AND"

Strike: "AND 23-3-611,"

5. Page 1, line 12 through page 2, line 17.

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 23-3-301, MCA, is amended to read:

"**23-3-301. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) ~~"Combative events" means a match, exhibition, contest, show, or tournament involving contestants in boxing, wrestling, mud wrestling, martial arts, or any other combative practice as defined by the department by rule.~~

~~(2)(1) "Contestant" means a professional or semiprofessional practitioner of boxing, wrestling, mud wrestling, martial arts, or any other combative practice as defined by the department by rule.~~

~~(3)(2) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.~~

(3) "Professional boxing" means a match, exhibition, contest, show, or tournament involving the sport of

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professional boxing as defined by the department by rule, consistent with federal law governing boxing safety.

(4) "Program" means a set of operations governed by the statutes in this chapter and the rules adopted by the department under this chapter."

{Internal References to 23-3-301: None.}"

Insert: "Section 2. Section 23-3-402, MCA, is amended to read:

"23-3-402. Enforcement of rules. (1) The department may designate in writing a representative to act specifically on behalf of the department but only within the scope of the written authority.

(2) The representative shall attend and supervise a combative professional boxing event and has the authority from the department to enforce rules adopted under this chapter."

{Internal References to 23-3-402: None.}"

Insert: "Section 3. Section 23-3-404, MCA, is amended to read:

"23-3-404. Jurisdiction -- license required -- contestant participation. (1) The department has sole management, control, and jurisdiction over each professional or semiprofessional combative boxing event involving recognition, a prize, or a purse and at which an admission fee is charged, either directly or indirectly, in the form of dues or otherwise, to be held within the state; ~~except a combative event conducted:~~

~~— (a) by a university, college, or high school; or~~

~~— (b) by the military.~~

(2) An organization or individual may not conduct a combative professional boxing event within the department's jurisdiction unless the organization or individual is the holder of an appropriate license granted by the department.

(3) A referee, manager, or judge may not participate in a combative professional boxing event within the department's jurisdiction unless:

(a) the individual is licensed by the department; and

(b) the combative professional boxing event is conducted by an organization or individual licensed by the department.

(4) A contestant may not participate in a combative professional boxing event within the department's jurisdiction unless:

(a) the contestant is licensed by the department;

(b) the combative professional boxing event is conducted by an organization or individual licensed by the department; and

(c) the department has not suspended the right of the contestant to participate under 23-3-603."

{Internal References to 23-3-404: None.}"

Insert: "Section 4. Section 23-3-405, MCA, is amended to read:

"23-3-405. Rules. (1) The department may adopt rules for the administration and enforcement of this chapter.

(2) (a) The rules must include the granting, suspension, and revocation of licenses and the qualification requirements for those to be licensed to conduct combative professional boxing events or to be licensed as referees, managers, or judges. License qualifications must include appropriate knowledge, experience, and integrity.

(b) The rules may include but are not limited to the following:

(i) the labeling of a match as a championship match;

(ii) the number and length of rounds and the weight of gloves;

(iii) the extent and timing of the physical examination of contestants;

(iv) the attendance of a referee and the referee's powers and duties; and

(v) review of decisions made by officials.

(3) The rules must:

(a) meet or exceed the safety codes required by recognized professional boxing, ~~wrestling, and other~~ organizations conducting combative professional boxing events;

(b) provide reasonable measures for the fair conduct of the combative professional boxing events and for the protection of the health and safety of the contestants;

(c) require a physical examination of each contestant prior to each combative professional boxing event;

(d) provide for the qualifications of judges, referees, and seconds and for their payment by the promoter;

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and

(e) provide for the attendance at ringside of one or more of the following and require the promoter to pay for that person's attendance:

- (i) a licensed physician as defined in 37-3-102;
- (ii) a licensed physician assistant as defined in 37-20-401; or
- (iii) a licensed advanced practice registered nurse as defined in 37-8-102."

{Internal References to 23-3-405: None.}"

Insert: "Section 5. Section 23-3-501, MCA, is amended to read:

"23-3-501. Licenses -- fees. (1) The department may issue a license to a professional ~~or semiprofessional~~ promoter of ~~combative~~ professional boxing events, whether an individual or organization, for the sole purpose of conducting professional ~~or semiprofessional combative~~ boxing events.

(2) The department may issue licenses to qualified referees, managers, contestants, seconds, trainers, and judges.

(3) A license issued in accordance with subsections (1) and (2) expires on the date set by department rule.

(4) Each application for a license under this section must be accompanied by a fee, as provided in 37-1-134, set by the department."

{Internal References to 23-3-501: None.}"

Insert: "Section 6. Section 23-3-502, MCA, is amended to read:

"23-3-502. Bond -- conditions. (1) A license to conduct professional ~~or semiprofessional combative~~ boxing events may not be issued unless the licensee has executed a bond in the sum of not less than \$5,000.

(2) The bond must be conditioned on faithful compliance by the licensee with the provisions of this chapter and the rules of the department."

{Internal References to 23-3-502: None.}"

Insert: "Section 7. Section 23-3-601, MCA, is amended to read:

"23-3-601. Report of ticket sales -- tax on gross receipts -- disposition of money received. (1) An individual or organization licensed to conduct a ~~combative~~ professional boxing event shall, within 24 hours after the completion of each ~~combative~~ event, furnish to the department a written report, verified by one of its officers or owners, showing the number of tickets sold for the ~~combative~~ event, the amount of gross proceeds, and other matters that the department prescribes and shall also within 24 hours pay to the department a tax of 5% of its total gross receipts after deducting the federal admission tax, if any, from the sale of tickets.

(2) All taxes and fees collected by the department under this chapter must be deposited in the state special revenue fund for the use of the program, subject to 37-1-101(6)."

{Internal References to 23-3-601:

23-3-602 X}"

Insert: "Section 8. Section 23-3-602, MCA, is amended to read:

"23-3-602. Examination of books and records on failure to make report or on unsatisfactory report -- penalty for failure to pay tax. (1) If an individual or organization fails to make a report of a ~~combative~~ professional boxing event at the time prescribed by 23-3-601 or if the report is unsatisfactory to the department, the department may examine the books and records of the individual or organization and subpoena and examine witnesses under oath for the purpose of determining the total amount of its gross receipts for a ~~combative~~ professional boxing event and the amount of tax due under this chapter.

(2) If the individual or organization remains in default in the payment of tax ascertained to be due for a period of 20 days after notice to the individual or organization of the amount due, the delinquent individual or organization forfeits its license and is disqualified from receiving a new license."

{Internal References to 23-3-602: None.}"

Insert: "Section 9. Section 23-3-603, MCA, is amended to read:

"23-3-603. Discipline. (1) A license issued under the provisions of this chapter may, after notice and opportunity for hearing, be revoked or suspended by the department for a violation of the provisions of this chapter or any rule of the department.

(2) The department may, after notice and opportunity for hearing, reprimand any contestant or suspend, for a period not to exceed 1 year, the contestant's right to participate in any ~~combative~~ professional boxing event

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conducted by any licensee for:

- (a) conduct unbecoming a contestant while engaged in or arising directly from any ~~combative~~ professional boxing event;
- (b) failure to compete in good faith or engaging in any sham ~~combative~~ professional boxing event; or
- (c) the use of threatening or abusive language toward officials or spectators."

{Internal References to 23-3-603:

23-3-404 x} "

Insert: "NEW SECTION. Section 10. {standard} **Effective date.** [This act] is effective on passage and approval."

- END -

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 676, introduced by Sesso, referred to Appropriations.

HB 677, introduced by Villa, Keane, referred to Appropriations.

HB 678, introduced by Pomnichowski, Milburn, referred to Natural Resources.

The following Senate bills were introduced, read first time, and referred to committees:

SB 264, introduced by Brueggeman, referred to Taxation.

SB 429, introduced by Zinke, referred to Appropriations.

SB 467, introduced by Balyeat, referred to Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Milburn in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 55 - Senate Amendments - Representative Hawk moved Senate amendments to **HB 55** be concurred in.

Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

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Excused: None.
Total 0

Absent or not voting: Hollandsworth.
Total 1

HB 623 - Senate Amendments - Representative Himmelberger moved Senate amendments to **HB 623** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: Boniek, Ebinger.
Total 2

Excused: None.
Total 0

Absent or not voting: Taylor.
Total 1

Representative Sesso rose on a point of personal privilege to give an overview of **HB 10**.

HB 10 - Representative Wiseman moved **HB 10** do pass. Motion requires **2/3** majority vote of each House. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 70

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Howard, Ingraham, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton.
Total 29

Excused: None.
Total 0

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Absent or not voting: Jones.
Total 1

HB 11 - Representative Sesso introduced **HB 11**.

HB 11 - Representative Kasten moved **HB 11** be amended as follows:

1. Page 4, line 12.

Following: line 11

Insert: "67. Brockton, Town of (wastewater) 750,000"

2. Page 5, line 6.

Strike: "\$6,512,000"

Insert: "\$7,262,000"

Motion to amend, carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Boniek, Brown, Kerns, Mendenhall, Sales, Sonju.

Total 6

Excused: Howard.

Total 1

Absent or not voting: Stahl.

Total 1

HB 11 - Representative Sesso moved **HB 11** do pass, as amended. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Boniek, Brown, Ingraham, Kerns, Mendenhall, More, Randall, Sales, Wagner.

Total 9

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 130 - Representative Stoker moved **HB 130** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 83

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Howard, Ingraham, Kerns, Mendenhall, Miller, Randall, Regier, Sales, Smith, Sonju, Vance.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 131 - Representative Stoker moved **HB 131** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 74

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Howard, Ingraham, Jones, Kerns, McGillvray, McNutt, Mendenhall, Miller, Peterson, Randall, Regier, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Warburton.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 132 - Representative Stoker moved **HB 132** do pass. Motion carried as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 80

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Howard, Ingraham, Kerns, McGillvray, Mendenhall, Randall, Regier, Sales, Smith, Sonju, Stahl, Vance, Warburton.

Total 19

Excused: None.

Total 0

Absent or not voting: Wilson.

Total 1

HB 152 - Representative Hamilton moved **HB 152** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: Bennett, Boniek, Ingraham, Kerns, Lake, McGillvray, Mendenhall, More, Randall, Regier, Sales, Smith, Sonju, Stahl, Vance, Vincent, Wagner, Warburton, Welborn.

Total 19

Excused: None.

Total 0

Absent or not voting: A. Noonan.

Total 1

HB 173 - Representative Hendrick moved **HB 173** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 73

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Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stahl, Vance, Vincent, Wagner.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 213 - Representative Sesso moved **HB 213** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 75

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Morgan, Peterson, Randall, Regier, Roberts, Sales, Smith, Vance, Wagner, Warburton.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 250 - Representative MacLaren moved **HB 250** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 85

Nays: Boniek, Brown, Ingraham, Kasten, Kerns, McGillvray, Mendenhall, More, Sales, Smith, Sonju, Vincent, Wagner, Warburton.
Total 14

Excused: None.
Total 0

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Absent or not voting: Hoven.
Total 1

HB 258 - Representative McChesney moved **HB 258** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 63

Nays: Arntzen, Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Caferro, Hawk, Hendrick, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Roberts, Sales, Smith, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 37

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Milburn moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 70

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Jopek, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Reichner, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Washburn.
Total 25

Excused: Howard.
Total 1

Absent or not voting: Boss Ribs, Himmelberger, Milburn, Stahl.
Total 4

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):

3/24/2009

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HB 52, introduced bill, be amended as follows:

1. Page 2, line 25.
Strike: "\$4.2 million"
Insert: "\$900,000"

2. Page 2, line 30.
Strike: "\$4.2 million"
Insert: "\$900,000"

And, as amended, do pass. Report adopted.

HB 110, introduced bill, be amended as follows:

1. Title, page 1, line 9 through line 10.
Strike: "ESTABLISHING" on line 9 through "PROGRAM;" on line 10
2. Page 1, line 18.
Following: "agency"
Insert: ", including summary information on average cost per square foot for each municipality,"
3. Page 1, line 23.
Following: "state"
Insert: ", including buildings in other municipalities,"
4. Page 1, line 25.
Following: "building"
Insert: ", including buildings in other municipalities,"
5. Page 2, line 22 through page 3, line 2.
Strike: sections 2 and 3 in their entirety

And, as amended, do pass. Report adopted.

HB 280, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "YEARS;"
Strike: "TRANSFERRING GENERAL FUND MONEY;"
2. Page 2, line 12 through line 13.
Strike: section 2 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 464, introduced bill, be amended as follows:

1. Page 1, line 12.
Strike: subsection (2) in its entirety

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Renumber: subsequent subsections

2. Page 1, line 18.

Strike: "\$1,000"

Insert: "\$500"

3. Page 1, line 21.

Strike: "\$2,000"

Insert: "\$1,000"

4. Page 1, line 23.

Strike: "\$15,000"

Insert: "\$7,500"

5. Page 1, line 24.

Strike: "\$22,500"

Insert: "\$11,250"

6. Page 1.

Following: line 28

Insert: "NEW SECTION. **Section 3. Coordination instruction.** If both House Bill No. 645 and [this act] are passed and approved and if House Bill No. 645 does not include line item funding for the advancing agricultural education in Montana program for the purposes of [this act], then [this act] is void."

And, as amended, do pass. Report adopted.

HB 472, do pass. Report adopted.

HB 562, do pass. Report adopted.

HB 578, introduced bill, be amended as follows:

1. Page 1, line 21.

Strike: "department"

Insert: "board"

2. Page 1, line 29.

Strike: subsection (3) in its entirety

3. Page 2, line 3.

Strike: "department"

Insert: "board"

4. Page 2, line 7.

Strike: "department"

Insert: "board"

5. Page 2, line 22 through line 23.

Following: "board" on line 22

Strike: "of medical" on line 22 through "of any" on line 23

Insert: "may take"

Following: "disciplinary action"

Strike: "taken"

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6. Page 2, line 24.

Strike: ", and the department"

Insert: "as provided in Title 37 and"

7. Page 2.

Following: line 25

Insert: "NEW SECTION. Section 8. No appropriation. It is the intent of the legislature that the requirements of [this act] be conducted within existing levels of funding."

Renumber: subsequent sections

8. Page 2, line 28.

Strike: "Title 53, chapter 5," in two places

Insert: "Title 37, chapter 3," in two places

And, as amended, do pass. Report adopted.

HB 634, do pass. Report adopted.

HB 644, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "\$300,000"

Insert: "\$200,000"

2. Page 2, line 6.

Strike: "\$300,000"

Insert: "\$200,000"

And, as amended, do pass. Report adopted.

HB 676, do pass. Report adopted.

NATURAL RESOURCES (Milburn, Chairman)

3/24/2009

SB 95, be amended as follows:

1. Page 1, line 16 through line 17.

Strike: the first "total" on line 16 through "plus nitrite" on line 17

Insert: "nutrients"

2. Page 3.

Following: line 6

Insert: "(20) 'Nutrient work group' means an advisory work group, convened by the department, representing publicly owned and privately owned point sources of pollution, nonpoint sources of pollution, and other interested parties that will advise the department on the base numeric nutrient standards, the development of temporary nutrient criteria, and the implementation of those standards and criteria together with associated economic impacts."

Renumber: subsequent subsections

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3. Page 4, line 23 through line 24.

Strike: the first "total" on line 23 through "plus nitrite" on line 24

Insert: "nutrients"

4. Page 4, line 25.

Strike: "substantial and widespread"

5. Page 5, line 23.

Strike: "for total" through "plus nitrite"

6. Page 5, line 25.

Strike: "substantial and widespread"

7. Page 5, line 27 through line 30.

Strike: "department's" on line 27 through "1995" on line 30

Insert: "department, in consultation with the nutrient work group, shall develop guidelines to ensure that the economic impacts from base numeric nutrient standards on public and private systems are equally and adequately addressed. In developing those guidelines, the department and the nutrient work group shall consider economic impacts appropriate for application within Montana and may also consider relevant guidance of the United States environmental protection agency pertaining to analysis of economic impacts from water quality standards"

8. Page 6, line 1.

Strike: "substantial and widespread"

9. Page 6.

Following: line 5

Insert: "(c) The department shall consult with the nutrient work group prior to recommending base numeric nutrient standards or criteria to the board and shall continue to consult with the nutrient work group in implementing temporary nutrient criteria."

10. Page 6, line 10.

Strike: "board"

Insert: "department"

11. Page 6, line 15.

Strike: "EVEN-NUMBERED"

Following: "DEPARTMENT"

Insert: ", in consultation with the nutrient work group,"

12. Page 6, line 16.

Strike: "THE RESULTS" through "PERIOD"

Insert: "by providing a summary of the status of the base numeric nutrient standards, temporary nutrient criteria, and implementation of those criteria, including estimated economic impacts"

13. Page 6.

Following: line 16

Insert: "(d) On or before September 1 of each year preceding the convening of a regular session of the legislature, the department, in consultation with the nutrient work group, shall summarize the previous two reports

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provided in subsection (4)(c) to the environmental quality council in accordance with 5-11-210."

And, as amended, be concurred in. Report adopted.

BUSINESS AND LABOR (Wilson, Chairman):
SB 176, be amended as follows:

3/24/2009

1. Title, line 6.
Following: "AN"
Insert: "IMMEDIATE"

2. Page 1, line 29.
Strike: "July 1, 2009"
Insert: "on passage and approval"

And, as amended, be concurred in. Report adopted.

SB 247, be amended as follows:

1. Title, line 7.
Strike: "PURCHASE"
Insert: "ACQUISITION"

2. Page 1, line 22.
Strike: "and"

3. Page 1, line 23.
Following: "kegs"
Insert: "; and
(i) precious metals, including catalytic converters"

4. Page 1, line 26.
Following: "paying"
Strike: "compensation"
Insert: ", trading, or bartering"
Following: "for"
Insert: "or collecting"

5. Page 2, line 4.
Following: the first "metal"
Strike: "purchase"
Insert: "acquisition"
Following: the second "metal"
Strike: "purchase"

6. Page 2, line 6.
Following: "metal"
Strike: "purchase"
Insert: "acquisition"

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7. Page 2, line 8.

Following: "metal"

Strike: "purchase"

Insert: "acquisition"

8. Page 2, line 9.

Following: "metal"

Strike: "purchase"

Insert: "acquisition"

9. Page 2, line 12.

Following: "description"

Insert: ", using scrap specifications recognized by the institute of scrap recycling industries, inc.,"

Following: "property"

Strike: "purchased"

Insert: "acquired"

10. Page 2, line 17.

Following: "SELLER"

Insert: "or transferor"

11. Page 2, line 18.

Following: "seller"

Insert: "or transferor"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

SB 495, introduced by Story, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

3/24/2009

Yeas - 42

Nays - 8

Senate bills passed and transmitted to the House for concurrence:

3/24/2009

SB 22, introduced by Murphy

SB 244, introduced by Balyeat

SB 446, introduced by Story

SB 498, introduced by Bales

House bills concurred in and returned to the House:

3/24/2009

HB 54, introduced by Ingraham

HB 146, introduced by MacLaren

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/24/2009

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HB 197, introduced by Ebinger
HB 317, introduced by Furey
HB 365, introduced by Roberts
HB 622, introduced by Himmelberger

Free Conference Committee Report No.1 adopted:

3/24/2009

SB 74, introduced by Laible

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 22, introduced by Murphy (by request of the Environmental Quality Council), referred to Natural Resources.
SB 244, introduced by Balyeat, Arntzen, Bales, Balyeat, Barkus, De. Barrett, Bennett, Berry, Black, Boniek, Brenden, R. Brown, T. Brown, Brueggeman, Cohenour, Curtiss, Ebinger, Gallus, Gebhardt, Hamlett, Himmelberger, Hinkle, Hoven, Jackson, Kasten, Kaufmann, Keane, Laible, Larsen, Laslovich, McGillvray, McNutt, Murphy, Perry, J. Peterson, K. Peterson, Sales, Smith, Steinbeisser, Wanzenried, Welborn, Zinke, referred to Taxation.
SB 446, introduced by Story, Gillan, Brueggeman, Keane, Keane, R. Brown, Larsen, Becker, A. Noonan, referred to Human Services.
SB 495, introduced by Story, referred to State Administration.
SB 498, introduced by Bales, Essmann, Story, Keane, referred to Federal Relations, Energy, and Telecommunications.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 7 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 88

Nays: Bennett, Boniek, Ingraham, Kerns, Lake, McGillvray, More, Randall, Smith.
Total 9

Excused: Howard.
Total 1

Absent or not voting: Sales, Wagner.
Total 2

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HB 8 passed as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Noonney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Boniek, Ingraham, Kerns, Lake, McGillvray, More, Randall, Sales, Smith.

Total 9

Excused: Howard.

Total 1

Absent or not voting: Ankney, Butcher, Wagner.

Total 3

HB 9 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Noonney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 68

Nays: Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hollandsworth, Hoven, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Randall, Regier, Sales, Smith, Sonju, Taylor, Vance, Vincent, Warburton, Washburn, Welborn.

Total 30

Excused: Howard.

Total 1

Absent or not voting: Wagner.

Total 1

HB 548 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 56

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Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hollandsworth, Hoven, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 43

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

SB 73 concurred in as follows:

Yeas: Augare, Barrett, B. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 71

Nays: Ankney, Arntzen, Bean, P. Beck, Bennett, Berry, Blasdel, Brown, Hawk, Hendrick, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Miller, More, Peterson, Regier, Roberts, Smith, Stoker, Wagner, Warburton, Washburn, Welborn.

Total 28

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

SB 111 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Kerns.

Total 1

Excused: Howard.

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Total 1

Absent or not voting: None.

Total 0

SB 143 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Kerns, More, Stoker, Wagner.

Total 4

Excused: Howard.

Total 1

Absent or not voting: Welborn.

Total 1

SB 185 concurred in as follows:

Yeas: Arntzen, Augare, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 83

Nays: Ankney, Barrett, Bean, Brown, Butcher, Dickenson, Hawk, Hollandsworth, Kasten, Lake, Menahan, Pomnichowski, Sales, Sonju.

Total 14

Excused: Howard.

Total 1

Absent or not voting: Blasdel, Warburton.

Total 2

SB 188 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming,

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French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Dickenson, Lake, MacLaren, Pomnichowski.
Total 4

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 340 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Hawk, Lake, Pomnichowski.
Total 3

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SJR 9 concurred in as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 61

Nays: Ankney, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Kasten, Kerns, Lake, MacLaren, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall,

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Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 38

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

The House recessed until 5:00 p.m.

The House came to order at 5:00 p.m.

Rep. McGillvray moved for a Roll Call vote. Quorum present.

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Campbell, Cohenour, Driscoll, Ebinger, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Sales, Sesso, Smith, Sonju, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 71

Nays: None.

Total 0

Excused: Howard, Mendenhall.

Total 2

Absent or not voting: Bean, Becker, Belcourt, Bennett, Blewett, Butcher, Caferro, Dickenson, Fleming, French, Furey, Hands, Hoven, Jopek, MacDonald, McClafferty, More, A. Noonan, Regier, Reichner, Roundstone, Sands, Stahl, Taylor, Wagner, Warburton, Washburn.

Total 27

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Milburn in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 333 - Representative P. Noonan moved **HB 333** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty,

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McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roundstone, Sands, Sesso, Steenson, Vance, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 76

Nays: B. Beck, Bennett, Boniek, Brown, Kerns, Lake, MacLaren, Mendenhall, More, Peterson, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vincent, Wagner, Warburton, Washburn.

Total 22

Excused: None.

Total 0

Absent or not voting: Glaser, Klock.

Total 2

HB 411 - Representative Grinde moved **HB 411** do pass. Motion carried as follows:

y, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 59

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 40

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

HB 459 - Representative Grinde moved **HB 459** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Bennett, Berry, Boniek, Butcher, Hawk, Hendrick, Ingraham, Kasten, Kerns, Klock, McGillvray, Mendenhall, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Roberts, Sales, Smith, Stahl, Vance, Vincent, Wagner, Warburton, Washburn.

Total 28

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 487 - Representative McNutt moved **HB 487** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Hawk, Kasten, Kerns, Lake, Sales.
Total 5

Excused: None.
Total 0

Absent or not voting: Grinde, A. Noonan.
Total 2

HB 577 - Representative Caferro moved **HB 577** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 56

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, Mendenhall, Miller, More, Morgan, O'Hara, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 44

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 611 - Representative Jones moved **HB 611** do pass. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel,

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Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Hawk, Kerns, Malek, Sales.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 629 - Representative Glaser moved **HB 629** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Boniek, Malek, Mendenhall, Randall, Sales, Welborn.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 659 - Representative Roberts moved **HB 659** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, Belcourt, Bennett, Berry, Blewett, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Klock, Kottel, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Nooney, O'Hara, Peterson, Regier, Roberts, Smith, Villa, Vincent, Warburton, Washburn, Welborn, Wilson.

Total 51

Nays: Barrett, B. Beck, P. Beck, Becker, Blasdel, Boland, Boniek, Caferro, Dickenson, French, Hawk, Hendrick, Hollenbaugh, Hunter, Jopek, Kasten, Kerns, Lake, MacDonald, Malek, McAlpin, McClafferty, Mendenhall, Miller,

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More, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Wagner, Wilmer, Wiseman, Mr. Speaker.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 583 - Representative Fleming introduced **HB 583**.

HB 583 - Representative Villa moved **HB 583** be amended, as follows:

1. Title, page 1, line 7.

Following: "AGRICULTURE;"

Strike: "PROVIDING A FUND TRANSFER;"

2. Page 2.

Strike: Section 2 in its entirety

Renumber: subsequent sections

3. Page 2, line 21.

Following: "of agriculture from the"

Strike: "general fund"

Insert: "amount allocated in 15-35-108(9)(b)(ii) to the growth through agriculture program provided for in Title 90, chapter 9,"

Motion to amend, carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 78

Nays: Bean, Belcourt, Blasdel, Brown, Butcher, Dickenson, Driscoll, Hawk, Hollandsworth, Kasten, Lake, Miller, More, Reichner, Reinhart, Wagner, Warburton, Washburn.

Total 18

Excused: Howard, Mendenhall.

Total 2

Absent or not voting: Grinde, Steenson.

Total 2

HB 583 - Representative Fleming moved **HB 583** do pass, as amended. Motion carried as follows:

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Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 62

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Ingraham, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Vance, Vincent, Wagner, Washburn, Welborn.

Total 37

Excused: None.

Total 0

Absent or not voting: Jones.

Total 1

HB 5 - Representative Sesso moved **HB 5** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Ingraham, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Vance, Vincent.

Total 26

Excused: None.

Total 0

Absent or not voting: Grinde, Stahl.

Total 2

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Milburn moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 79

Nays: Bennett, Berry, Boniek, Hawk, Kerns, Lake, McGillvray, Miller, More, Randall, Regier, Sales, Smith, Vance, Vincent.

Total 15

Excused: Howard, Mendenhall.

Total 2

Absent or not voting: Himmelberger, Hollandsworth, Hoven, Washburn.

Total 4

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Wednesday, March 25, 2009. Motion carried.

House adjourned at 5:55 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SIXTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
March 25, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Belcourt. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Jopek, Chairman): 3/25/2009
HB 664, do pass. Report adopted.

APPROPRIATIONS (Sesso, Chairman): 3/25/2009
HB 279, do pass. Report adopted.
HB 306, introduced bill, be amended as follows:

1. Page 4.

Following: line 11

Insert: "NEW SECTION. Section 4. No appropriation. It is the intent of the legislature that the requirements of [this act] be conducted within existing levels of funding."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 645, introduced bill, be amended as follows:

1. Title, lines 12 and 13.

Following: "PURPOSES;" on line 12

Strike: remainder of line 12 through "REVENUE ACCOUNT;" on line 13

2. Title, line 15.

Following: "PROGRAM;"

Insert: "ESTABLISHING THE DISTRESSED WOOD PRODUCTS INDUSTRY RECOVERY PROGRAM;
PROVIDING FOR A QUICK START ENERGY PROGRAM WITHIN THE DEPARTMENT OF
COMMERCE FOR QUICK START ENERGY EFFICIENCY IMPROVEMENTS FOR SCHOOL
FACILITIES; REVISING THE PRIORITIES FOR FUNDING UNDER THE BIG SKY ECONOMIC
DEVELOPMENT PROGRAM;"

Following: "17-7-402,"

Insert: "17-7-502,"

3. Title, line 16.

Strike: "53-4-1115,"

Following: "75-25-101,"

Strike: "AND"

Following: "75-25-102,"

Insert: "AND 90-1-204,"

4. Page 4, line 5.

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Strike: "\$10,895,844"
Insert: "\$16,232,795"

5. Page 4, line 6.
Strike: "\$11,018,627"
Insert: "\$18,505,269"

6. Page 4, line 7.
Strike: "\$16,213,433"
Insert: "\$19,818,193"

7. Page 6, lines 14 and 15.
Following: "includes" on line 14
Strike: remainder of line 14 through "funds" on line 15
Insert: "items specified in [section 51]"

8. Page 7, line 6.
Strike: "(a)"

9. Page 7, line 8.
Strike: "(i)"
Insert: "(a)"
Renumber: subsequent subsections

10. Page 7, line 10.
Strike: "and"

11. Page 7, line 11.
Following: "appropriations"
Insert: "; and
(e) items specified in [section 51]"

12. Page 7, line 12.
Strike: subsection (b) in its entirety

13. Page 11, line 2.
Strike: "[LC2314,"
Following: "No."
Insert: "645"
Strike: ", 2009]"

14. Page 11, line 19.
Insert: "Section 7. Section 17-7-502, MCA, is amended to read:
"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.
(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:
(a) The law containing the statutory authority must be listed in subsection (3).
(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory

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appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; [section 23]; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202; 23-4-204; 23-4-302; 23-4-304; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-1-504; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-1-115; 90-1-205; 90-3-1003; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108 terminates June 30, 2010; pursuant to sec. 17, Ch. 593, L. 2005, the inclusion of 15-31-906 terminates January 1, 2010; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; and pursuant to sec. 6, Ch. 2, Sp. L. September 2007, the inclusion of 76-13-150 terminates June 30, 2009.)"

Renumber: subsequent sections

15. Page 17, line 7.

Strike: "1988"

Insert: "1998"

16. Page 18, line 21 through page 19, line 14.

Strike: section 12 in its entirety

Renumber: subsequent sections

17. Page 20.

Following: line 1

Insert: "NEW SECTION. Section 14. Medicaid reserve account. There is a medicaid reserve account in the state special revenue fund provided for in 17-2-102. Money in the account must be used by the department for medicaid benefits after June 30, 2011. Any interest or income earned on the account must be deposited in the account. Each calendar quarter through December 31, 2010, the amount recovered under the federal medical assistance percentage hold harmless provision of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, must be transferred to the medicaid reserve account."

Renumber: subsequent sections

18. Page 27, line 1.

Strike: "Reinvestment and Recovery"

Insert: "Recovery and Reinvestment"

19. Page 27.

Following: line 21

Insert: "**Section 22.** Section 90-1-204, MCA, is amended to read:

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"90-1-204. Priorities for funding -- rulemaking. (1) The department must receive proposals for grants and loans from local governments. A local government shall work with an economic development organization on a proposal. The department shall work with the local government and the economic development organization in preparing cost estimates for a proposed project. In reviewing proposals, the department may consult with other state agencies with expertise pertinent to the proposal.

(2) (a) The department shall adopt rules necessary to implement the big sky economic development program. In adopting rules, the department shall look to the rules adopted for the treasure state endowment program and other similar state programs. To the extent feasible, the department shall make the rules compatible with those other programs. To the extent feasible, the department shall employ an approach pertaining to the use of funds so that, except as provided in subsection (2)(b), the needs of rural areas are balanced with the needs of the state's urban centers.

(b) For high-poverty counties, the department shall employ an approach pertaining to the use of funds that is intended to lower poverty levels in the county to a percentage at which the county no longer is defined as a high-poverty county.

(c) The rules must provide for the types of uses of funds available under the big sky economic development program. The types of uses of funds by:

(i) local governments include but are not limited to:

(A) a reduction in the interest rate of a commercial loan for the expansion of a basic sector company;

(B) a grant or low-interest loan for relocation expenses for a basic sector company; and

(C) rental assistance or lease buy-downs for a relocation or expansion project for a basic sector company;

(ii) a certified regional development corporation include:

(A) support for business improvement districts and central business district redevelopment;

(B) industrial development;

(C) feasibility studies;

(D) creation and maintenance of baseline community profiles; and

(E) matching funds for federal funds, including but not limited to brownfields funds and natural resource damage funds.

(d) (i) The rules must provide for distribution methods for financial assistance available to local governments. ~~The~~ Except for local government projects specifically authorized in [House Bill No. 645], the rules must provide for distribution based upon the number of jobs expected to be created because of the funding.

(ii) ~~Funding~~ Except for local government projects specifically authorized in [House Bill No. 645], funding may not exceed \$5,000 for each expected job, except that funding for a project in a high-poverty county may not exceed \$7,500 for each expected job.

(iii) ~~The~~ Except for local government projects specifically authorized in [House Bill No. 645], the rules must require equal matching funds for a grant or loan, except that the rules for a grant or a loan in a high-poverty county may allow a 50% to 100% match requirement for the high-poverty county.

(e) ~~The~~ Except for local government projects specifically authorized in [House Bill No. 645], the rules may provide for greater incentives for a high-poverty county.

(f) ~~The~~ Except for local government projects specifically authorized in [House Bill No. 645], the rules must provide for the full or partial repayment of a grant if the new jobs or some of the new jobs for which a grant is given are not created.

(g) ~~A~~ Except for local government projects specifically authorized in [House Bill No. 645], a grant or loan may be made only for a new job that has an average weekly wage that meets or exceeds the current average weekly wage of the county in which the employees are to be principally employed."

Insert: "NEW SECTION. Section 23. Earnings -- statutory appropriation. If the federal government directs that funds received under the American Recovery and Reinvestment Act of 2009, Public Law 111-5, must be invested and that the earnings must be expended for the same purpose as the funds generating the earnings, then the earnings are statutorily appropriated, as provided in 17-7-502, for the same purpose as the funds generating the earnings."

Insert: "NEW SECTION. Section 24. Dissemination of information -- reporting and accountability. The office of

the governor shall develop and maintain a website to serve as the official website for the state of Montana for

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implementing the reporting and accountability requirements of the American Recovery and Reinvestment Act of 2009, Public Law 111-5. The office shall develop requirements for reporting and posting information to the website, and these requirements are applicable to any recipient of funds from an appropriation in House Bill No. 645."

Insert: "NEW SECTION. Section 25. Distressed wood products industry recovery program -- findings -- loans and grants -- rulemaking. (1) Due to the current, well-documented decline in the wood products industry in Montana, the legislature finds that there is a need to assist the Montana wood products industry as a whole through a multifaceted and integrally related grant and loan program.

(2) Businesses that may be eligible under the program for loans, grants, or loans and grants include but are not limited to sawmills, plywood plants, paper and linerboard manufacturers, bark and byproducts-related businesses, round wood producers, wood chip processors, loggers, log haulers, biochar and biomass producers, and other innovative manufacturers and processors of wood products.

(3) (a) The department of commerce shall use money appropriated for the distressed wood products industry to implement the program.

(b) Money appropriated to the department of commerce may be used by the department to, among other things:

(i) provide state matching funds to federal agencies to create loan or grant programs that will benefit the types of businesses listed in subsection (2), including the commingling of appropriated funds with federal funds as needed to meet federal regulations and grant requirements; and

(ii) provide loans, grants, or both loans and grants to the types of businesses listed in subsection (2).

(c) Repayments of loans to the department of commerce may be used by the department as revolving loan funds for primary sector business throughout the state.

(4) The department of commerce may adopt rules necessary to implement the program. Rules adopted by the department must be based upon similar finance programs administered by the department and must include:

(a) sufficient business plan and financial information to allow a reasonable determination regarding the potential feasibility of the business to create and retain jobs and, in the case of loans, to make repayments to the department;

(b) annual information from each assisted business for the term of the grant or loan agreement regarding jobs created and retained, pay levels, financial status, and reports on overall project activities; and

(c) loan and grant amounts for each job, funding limits, and matching fund requirements."

Insert: "NEW SECTION. Section 26. Rulemaking. The department of commerce may adopt rules to implement the worker training program and the broadband matching grant program funded in [House Bill No. 645]."

Insert: "NEW SECTION. Section 27. County projects -- allocation of funds. The appropriation in [section 51] for county projects must be allocated as provided in this section and must be used only for the indicated purpose. County project funds must be allocated as follows:

Beaverhead	\$199,902 county courthouse repair
Big Horn	\$195,663 Little Horn road reconstruction
Blaine	\$187,422 county building improvements
Broadwater	\$138,301 county road chip seal
Carbon	\$157,060 West Fork road expansion
Carter	\$144,862 gravel crushing
Cascade	\$247,092 county building energy performance contract
Chouteau	\$194,862 county road repair and reconstruction
Custer	\$157,596 county road and buildings: Silo Loop road \$42,596; Pine Hills improvement \$85,000; county building repair and remodel \$30,000
Daniels	\$134,923 county road gravel screening/crushing
Dawson	\$161,231 county building repair/remodel/construction
Deer Lodge	\$128,973 energy upgrades and renovation of city hall
Fallon	\$135,369 county road and parks shop building
Fergus	\$191,553 Scott Crossing bridge replacement
Flathead	\$429,261 Mennonite Church and Creston roads construction

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Gallatin \$302,907 fairgrounds restroom construction and replacement
Garfield \$159,808 county building heating/cooling system replacement
Glacier \$180,677 Glacier County jail/detention center
Golden Valley \$123,455 fire hall and roads: Golden Valley/Ryegate fire hall \$103,455; Golden Valley roads \$20,000
Granite \$139,211 Metesch Lane bridge replacement
Hill \$195,921 Sheppard and Bulhook roads pavement overlay
Jefferson \$169,757 Boulder south campus sewer replacement
Judith Basin \$143,967 replace Arrow Creek and Judith River bridge: Arrow Creek bridge \$70,046; Judith River bridge \$73,921
Lake \$226,694 South Valley Creek bridge replacement \$160,000; Skyline bridge repair \$40,000; courthouse weatherization \$26,694
Lewis and Clark \$282,922 Lewis and Clark County fairgrounds plaza
Liberty \$139,405 Liberty senior center
Lincoln \$252,108 Tobacco Valley industrial park infrastructure improvements
Madison \$179,577 Madison County office renovation \$101,577; Madison County bridge improvement projects \$78,000
McCone \$148,210 geothermal heat loop courthouse retrofit
Meagher \$134,964 county building energy efficiency and handicap accessibility updates
Mineral \$144,010 Mineral County jail and courthouse restoration and repair
Missoula \$319,667 Big Flat road reconstruction
Musselshell \$139,793 Goffena bridge replacement
Park \$178,841 9th Street bridge replacement
Petroleum \$125,061 courthouse windows, Dovetail Creek crossing, and Petroleum County road upgrade: energy efficient courthouse windows retrofit \$5,000; Dovetail Creek crossing \$5,000; Petroleum County road upgrade \$75,061
Phillips \$180,968 courthouse parking lot and sidewalk projects
Pondera \$149,520 Pondera County community and senior center remodel
Powder River \$147,735 county road reconstruction and gravel
Powell \$148,555 energy efficient windows and boiler for county courthouse
Prairie \$129,674 county fairgrounds grandstand replacement \$80,000; Terry park facilities renovation \$49,674
Ravalli \$297,867 Ambrose Creek road pavement preservation
Richland \$162,551 Spring Lake road reconstruction
Roosevelt \$172,632 energy efficient courthouse windows project
Rosebud \$183,085 Ingomar water and sewer project \$83,085; Forsyth library elevator project \$100,000
Sanders \$185,012 high bridge reconstruction
Sheridan \$152,144 county road gravel and engineering: county road gravel crushing \$137,144; Plentywood bypass route \$15,000
Silver Bow \$127,965 county road repair and maintenance
Stillwater \$167,535 county courthouse and bridge: Stillwater County courthouse repair and renovation \$77,279; Stillwater County bridge \$90,256
Sweet Grass \$135,147 Pioneer medical center renovation
Teton \$168,135 county nursing home and county road gravel: county nursing home renovation \$130,000; county road gravel \$38,135
Toole \$148,528 energy efficient lighting for Toole County hospital
Treasure \$115,141 county building renovations: community center \$20,100; community center \$74,861; courthouse ADA upgrade \$20,180
Valley \$203,624 Valley County detention center addition
Wheatland \$124,649 county road shop and Harlowtown fire hall: county road shop \$83,099;

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Harlowtown fire hall \$41,550

Wibaux \$119,948 county fairgrounds exhibit building

Yellowstone \$288,560 Clapper Flat and Vandaveer roads and courthouse remodel: Clapper Flat road \$100,000; Vandaveer road \$100,000; courthouse remodel \$88,560"

Insert: "NEW SECTION. Section 28. Municipal projects -- allocation of funds. The appropriation in [section 51] for municipal projects must be allocated as provided in this section and must be used only for the indicated purpose. Municipal project funds must be allocated as follows:

Alberton \$13,397 street repairs and paving
Anaconda-Deer Lodge \$130,438 energy upgrades and renovation of city hall
Bainville \$11,259 Simard Park improvements -- sprinkler systems and sidewalks
Baker \$40,504 storm drain installation on South Montana 7 and Secondary 322
Bearcreek \$7,578 town hall renovation and repairs
Belgrade \$131,883 street intersection reconstruction and sidewalk extension
Belt \$16,384 replace concrete water storage tank
Big Sandy \$20,619 sewer main replacement and resurface Johannes Avenue
Big Timber \$41,057 Anderson Street asphalt overlay project
Billings \$1,676,045 reconstruction Alkali Creek Road
Boulder \$33,298 water system treatment project
Bozeman \$621,404 water system treatment project; water reclamation facility -- water treatment plant design; recreation facility improvements; sidewalks and restroom upgrades in parks
Bridger \$20,642 street and sidewalk repairs
Broadus \$16,072 addition to city hall for police department and sewer lagoon repairs
Broadview \$8,954 general repairs and maintenance
Brockton \$9,836 wastewater system repairs and street and alley repairs
Browning \$24,148 new fire hall
Butte-Silver Bow \$556,425 road repairs and maintenance
Cascade \$19,869 one block sewer main replacement
Chester \$22,690 chip seal town streets
Chinook \$31,885 city hall repair and improvements and paint armory building
Choteau \$44,091 city hall-fire station remodel and replace unit heaters in Pavilion building
Circle \$19,420 purchase street patcher equipment and sewer treatment plant
Clyde Park \$12,832 construction of Lathrop Street
Colstrip \$47,276 Orchard lift station replacement
Columbia Falls \$90,832 street construction and improvements
Columbus \$44,373 replace curb, gutter, and sidewalk on Pike Avenue
Conrad \$54,770 replace hydrants and valves and overlay Dakota Street
Culbertson \$20,255 architecture design of new fire hall
Cut Bank \$62,063 final engineering and design work for Railroad Street
Darby \$20,008 water system improvement project
Deer Lodge \$70,086 phase 1 sewer rehabilitation collection system
Denton \$12,524 water-sewer upgrades, building repairs, and street repairs
Dillon \$78,244 Glendale street project
Dodson \$8,579 street repairs
Drummond \$11,830 street repairs and park maintenance
Dutton \$13,855 city park improvements
East Helena \$43,300 renovate city hall
Ekalaka \$15,477 bridge and street repair
Ennis \$24,703 town hall expansion and remodel project
Eureka \$24,803 repair main arterial road
Fairfield \$18,389 design and erect new fire hall, televise sewer lines, and replace hydrants
Fairview \$22,524 park bathrooms renovation

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Flaxville	\$7,652 water storage tank repairs
Forsyth	\$45,126 water storage tank and water works repairs
Fort Benton	\$39,975 chip seal city streets, U.S. highway 87 repairs, and airport runway improvements
Fort Peck	\$13,156 replace aging fire hydrants
Froid	\$11,174 water storage reservoir replacement
Fromberg	\$14,368 street and sidewalk repairs
Geraldine	\$12,701 main sewer line extension
Glasgow	\$61,137 rehabilitate southside lift station
Glendive	\$89,710 street reconstruction
Grass Range	\$8,768 water, sewer, and street repairs
Great Falls	\$975,637 West Bank street and right-of-way improvement and civic center roof repair
Hamilton	\$86,900 Tenth street reconstruction
Hardin	\$67,908 new fire hall
Harlem	\$21,164 city hall renovation and weatherization and street maintenance
Harlowton	\$25,565 replace sidewalks and install handicapped curbs
Havre	\$165,970 new lift station and recoat concrete water tank
Helena	\$504,707 Centennial Park trail system construction
Hingham	\$9,704 sewer project, street and sidewalk repairs, and fire hydrants
Hobson	\$11,506 extend water to boulevard on Main Street
Hot Springs	\$18,326 remodel fire hall and repair streets
Hysham	\$12,182 overlay town streets
Ismay	\$7,064 general repairs and maintenance
Joliet	\$16,083 sewer and water improvements
Jordan	\$14,548 improve existing streets
Judith Gap	\$9,295 Fourth Avenue street improvements
Kalispell	\$342,370 street projects
Kevin	\$10,823 drainage, culvert, and road repairs
Laurel	\$118,788 open ditch mitigation near middle school
Lavina	\$10,753 install new water system
Lewistown	\$117,648 chip seal streets
Libby	\$58,276 sewer main extension to Cabinet Heights
Lima	\$11,955 regravels streets and park shelter
Livingston	\$136,279 safety and building repairs to Sacajawea Park and repairs to sidewalks and streets
Lodge Grass	\$15,187 sewer lagoon
Malta	\$42,923 water and sewer line repairs and maintenance and street paving and repairs
Manhattan	\$36,536 sidewalk extensions, repairs, and maintenance
Medicine Lake	\$12,088 sewer lagoon maintenance, water tower, and waterworks repairs
Melstone	\$9,245 install fire hydrants; water and sewer installation to community center; and sidewalks, curbs, and gutters
Miles City	\$157,904 stormwater system sediment removal
Missoula	\$1,074,759 ADA sidewalk ramps and North Higgins streetscape
Moore	\$10,877 street repairs and capital improvements
Nashua	\$13,631 sewer and water main replacements
Neihart	\$7,739 streets and capital improvements
Opheim	\$9,207 water system and general repairs
Outlook	\$7,988 connect water system to new well
Philipsburg	\$26,234 replace water and sewer lines
Pinesdale	\$21,284 capital improvements and repairs
Plains	\$27,846 city hall renovations including ADA bathrooms and furnace and air conditioning
Plentywood	\$39,352 engineering study of wastewater treatment system, replace sidewalk at city hall and add gutter system, and chip seal streets

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Plevna \$9,154 culvert and drainage improvements and chip seal streets
Polson \$94,816 Riverside water main replacement
Poplar \$21,571 street repairs after water line installation
Red Lodge \$53,688 roof repairs on city hall and police station
Rexford \$7,854 community center siding and repairs
Richey \$10,567 road repairs and maintenance
Ronan \$41,463 repair and overlay Third Avenue Northwest
Roundup \$46,586 curbs, gutters, and sidewalks on Second Avenue East
Ryegate \$12,138 city park improvements
Saco \$11,102 street repairs and maintenance
Saint Ignatius \$21,269 street paving and pedestrian path and other park repairs
Scobey \$27,169 weatherize city hall
Shelby \$77,585 street repairs
Sheridan \$18,747 street repairs and maintenance
Sidney \$96,526 Twenty-Second Avenue Northwest reconstruction
Stanford \$15,630 street intersection improvements and replacements
Stevensville \$38,457 repair and replace roof on town hall complex building
Sunburst \$16,673 resurface streets, ADA curbs and gutters, and other street repair
Superior \$24,109 water construction phase II, street repairs, and renovate park buildings
Terry \$23,571 park improvements
Thompson Falls \$34,730 street repairs and replace water meters with radio read meters
Three Forks \$43,434 pave streets and equip parks and recreation facilities
Townsend \$41,340 Broadway sidewalk replacement
Troy \$23,328 city hall restoration
Twin Bridges \$13,847 public walking path connecting parks
Valier \$21,037 install water tank, new water meters, and install water lines and trunks
Virginia City \$11,859 remodel and relocate city hall
Walkerville \$23,093 street improvements
West Yellowstone \$31,130 wastewater improvements
Westby \$9,048 resurface streets
White Sulphur Springs \$29,462 patch and repair city streets
Whitefish \$146,023 new emergency services building
Whitehall \$26,781 new ambulance building and wastewater improvements
Wibaux \$17,644 remodel park bathroom as handicapped accessible
Winifred \$9,708 drainage projects
Winnett \$11,507 street drainage improvements
Wolf Point \$52,535 gate valve and hydrant replacement"

Insert: "NEW SECTION. **Section 29. Quick start energy grants.** (1) There is a quick start energy program within the department of commerce for quick start energy efficiency improvement grants to public school districts for projects that provide long-term, cost-effective benefits to school facilities.

(2) A public school district may submit an application to the department of commerce for quick start energy efficiency improvement grant funding for:

(a) an energy audit or evaluation of the potential for energy savings in a school facility by a prequalified energy auditor; or

(b) energy efficiency improvements that are based on an energy audit or evaluation and that are expected to achieve measurable energy efficiency to a school facility and cost savings to the public school district.

(3) In awarding grants under this section, the department of commerce shall consider the potential for energy savings in a public school facility based on the age, energy use, function, and condition of the building.

(4) The department of commerce may consult with the department of environmental quality and the architecture and engineering division of the department of administration in the review and evaluation of quick start grant applications.

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(5) Of the line item appropriation for the School Facilities Program Administration and Grants found in [section 51], up to \$35 million may be used, at the discretion of the department of commerce, to award grants under the quick start energy program. The department of commerce shall distribute quick start funds on a reimbursement basis from May 15, 2009, until September 30, 2009. Any quick start funds not obligated under this section for reimbursement to a public school district by September 30, 2009, must be used as provided in [section 51] for the School Facilities Program Administration and Grants line item appropriation.

(6) The department of commerce shall collect information regarding the cost savings to public school districts that make energy efficiency improvements based on grant funding received under subsection (2)(b).

(7) The department of commerce shall consult with the office of public instruction on the disbursement of quick start grants and shall make every attempt to accommodate large schools, small schools, urban schools, and rural schools.

(8) Quick start grants made under this program are subject to review by the legislative finance committee."

Renumber: subsequent sections

20. Page 29.

Following: line 5

Insert: "NEW SECTION. **Section 37. Appropriation.** The amount of \$4 million from general fund appropriations in section 9-B, items 9, 10, 11, and 12, of Chapter 5, Special Laws of May 2007, in excess of \$13 million of general fund appropriations that would otherwise revert on June 30, 2009, is appropriated in the 2011 biennium for Provider Rate Increase.

(2) Any funds remaining in section 9-B, item 12j, Chapter 5, Special Laws of May 2007, on June 30, 2009, that would otherwise revert are appropriated in the 2011 biennium for Mental Health Crisis Diversion Pilot Program."

Renumber: subsequent sections

21. Page 29, line 20.

Strike: "81,719,465"

Insert: "85,719,465"

Strike: "469,113,370"

Insert: "473,113,370"

22. Page 31, line 1.

Strike: "distribution"

Insert: "reduction"

Following: "funds"

Insert: "in the Health Resources Division"

23. Page 31, line 15 through line 16.

Strike: subsection (d) in its entirety

Renumber: subsequent subsections

24. Page 31, line 17 through line 19.

Strike: ":" on line 17 through "(ii)" on line 19

25. Page 32, line 1.

Strike: "39"

Insert: "51"

26. Page 32, line 3.

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Strike: "(4)"

Insert: "(3)"

27. Page 32, line 5.

Strike: "administration fund"

Insert: "conservation repayment account"

28. Page 32, line 7.

Following: "conservation"

Insert: "capital"

Following: "year"

Insert: "and if the total allocations of the federal funds received pursuant to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, to the department of environmental quality in [House Bill No. 5] is in the amount of \$20 million or greater"

29. Page 32, line 9.

Strike: "\$6"

Insert: "\$3"

30. Page 32, line 11 through 14.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

31. Page 32, line 15.

Strike: "(4)"

Insert: "(3)"

32. Page 32, line 18.

Strike: "or (3)"

33. Page 32, line 19.

Strike: "through (3)"

Insert: "and (2)"

34. Page 32, line 20.

Strike: "through (3)"

Insert: "and (2)"

35. Page 32, line 21.

Strike: "39"

Insert: "51"

36. Page 33, line 2.

Strike: "(2)"

Insert: "(3)"

37. Page 33, line 5.

Strike: "\$2"

Insert: "\$1"

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38. Page 33, line 8 through 10.

Strike: ";" on line 8 through "void" on line 10

39. Page 33, line 11.

Following: line 10

Insert: " (2) Subject to subsection (3), if House Bill No. 10 is passed and approved and if [this act] does not contain a transfer of general fund of \$1.5 million for the secretary of state for the SOS information management system, then the appropriation for that purpose in House Bill No. 10 is void."

Renumber: subsequent sections

40. Page 33, line 11.

Strike: "subsection (1)"

Insert: "subsections (1) and (2)"

Strike: the second "subsection"

41. Page 33, line 12.

Strike: "(1)"

Insert: "subsections (1) and (2)"

42. Page 33, line 13.

Strike: "subsection (1)"

Insert: "subsections (1) and (2)"

Strike: "39"

Insert: "51"

43. Page 34, line 3.

Strike: "39"

Insert: "51"

44. Page 34, line 10.

Strike: "39"

Insert: "51"

45. Page 34, line 17.

Strike: "39"

Insert: "51"

46. Page 34, line 19.

Following: "instruction."

Insert: "(1)"

Strike: "9"

Insert: "10"

Strike: "10"

Insert: "11"

47. Page 34, line 20.

Strike: "9"

Insert: "10"

Strike: "10"

Insert: "11"

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48. Page 34, line 21.

Insert: "(2) [Section 14] is intended to be codified as an integral part of Title 53, chapter 6, part 1, and the provisions of Title 53, chapter 6, part 1, apply to [section 14]."

(3) [Section 23] is intended to be codified as an integral part of Title 17, chapter 3, part 1, and the provisions of Title 17, chapter 3, part 1, apply to [section 23].

(4) [Sections 25 and 26] are intended to be codified as an integral part of Title 90, chapter 1, part 1, and the provisions of Title 90, chapter 1, part 1, apply to [sections 25 and 26]."

Insert: "NEW SECTION. Section 46. Contingent voidness. (1) If the federal government refuses to participate in or denies approval of any state plan amendment related to [section 2] for medicaid payments to hospitals, then [section 2] is void.

(2) The department of public health and human services shall notify the code commissioner of the occurrence of any determination made pursuant to subsection (1) and the date of the occurrence."

Renumber: subsequent sections

49. Page 35, line 3.

Strike: "[Section 15] applies"

Insert: "[Sections 16 and 18] apply"

50. Page 35, line 5.

Strike: "7 and 11 through 20"

Insert: "6, 8, 12, 13, 15 through 22, and 27 through 29"

51. Page 35, line 6.

Insert: "NEW SECTION. Section 50. Appropriation control. An appropriation item in [section 51] that is designated "Restricted" may be used during the biennium only for the purpose designated by its title and as presented to the legislature."

Renumber: subsequent section

52. Page A-1.

Strike: line 14 through line 16

Renumber: subsequent subsections

53. Page A-3.

Following: line 2

Insert: "f. Indian Country Economic Development 1,500,000 1,500,000" [general fund FY 10 and FY 11]

54. Page A-3.

Following: line 5

Insert: "b. Biomass Energy Study 500,000" [general fund FY10]

55. Page A-3.

Following: line 8

Insert: "b. County Projects 5,000,000 5,000,000" [general fund FY 10 and FY 11]

"c. Municipal Projects 5,000,000 5,000,000" [general fund FY 10 and FY 11]

"d. Montana Agro-Energy Industrial Park (Restricted) 200,000 200,000" [general fund FY 10 and FY 11]

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56. Page A-4, line 2.

Strike: "21,502,800 [state special revenue FY10]"

Insert: "13,536,800 [state special revenue FY10]"

Following: line 2

Insert: "c. Historic Preservation Competitive Grants 1,500,000 1,500,000" [general fund FY 10 and FY 11]

d. Huntley Project School

3,000,000 [state special revenue FY10]

e. Browning School

500,000 [state special revenue FY10]

f. Brockton School

500,000 [state special revenue FY10]

g. Conrad School

626,000 [state special revenue FY10]

h. Montana Learning Center

100,000 [state special revenue FY10]

i. Blue Creek School

1,240,000 [state special revenue FY10]

j. Virtual High School

2,000,000 [state special revenue FY10]"

57. Page A-4, line 7.

Following: "economy."

Insert: "The line item for Worker Training is intended to be implemented using a framework similar to that established under the Primary Sector Business Workforce Training Act, provided for in Title 39, chapter 11, except that the Worker Training appropriation line item is to be used to train and educate both new and existing employees."

Montana Agro-Energy Industrial Park is restricted to grant funding for the development of the Montana Agro-Energy Industrial Park."

58. Page A-4.

Following: line 14

Insert: "The item for Historic Preservation Competitive Grants is for the awarding of grants to public or private entities for the preservation of historic sites within the state of Montana based on a competitive criteria created by the department, as guided by the legislature, that may include:

(1) the degree of economic stimulus or economic activity, including job creation and work creation for Montana contractors and service workers;

(2) the timing of the project, including the access to matching funds if needed and approval of permits so the work can be completed without delay;

(3) the historic or heritage value related to the state of Montana;

(4) the successful track record or experience of the organization directing the project; and

(5) the expected ongoing economic benefit to the state as a result of the project completion.

The amount of \$50,000 of the line item for Historic Preservation Competitive Grants must be used for the restoration and preservation of the historic Daly mansion.

The amount of \$40,000 of the line item for Historic Preservation Competitive Grants must be allocated to the historic St. Mary's mission maintenance and restoration project.

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The amount of \$180,000 of the line item for Historic Preservation Competitive Grants must be used for the restoration and preservation of the travelers' rest historic site.

Huntley Project School is to be used to construct a new school building since a fire destroyed the former school.

Browning School is to be used to complete the unfinished school building.

Brockton School is to be used to replace the fire system, remodel the building, or for the sewer exchange.

Conrad School is to be used to replace the boiler system in the school.

Montana Learning Center is to be used for upgrades and retrofitting the building.

Blue Creek School is to be used for construction."

59. Page B-3, following line 3.

Insert: "q. Food for Food Banks (Restricted)

250,000 250,000" [general fund FY10 and FY11]

"r. Homeless Prevention/Emergency Food & Shelter -- General Fund (Restricted)

750,000 750,000" [general fund FY10 and FY11]

60. Page B-3, following line 6.

Insert: "b. Provider Rate Increase (Restricted)

2,000,000 2,000,000" [general fund FY10 and FY11]

"8,527 7,980 [state special revenue FY10 and FY11]

"3,588,062 3,118,487" [federal special revenue FY10 and FY11]

61. Page B-4, line 10.

Strike: "1,315,737 1,000,000" [federal special revenue FY10 and FY11]

Insert: "1,265,733 949,981" [federal special revenue FY10 and FY11]

62. Page B-4, following line 10.

Insert: "c. Transitions Coordinator (Restricted)

50,004 50,019" [federal special revenue FY10 and FY11]

63. Page B-4, line 13.

Strike: "53,000,000"

Insert: "54,000,000"

64. Page B-4, line 15.

Strike: "75,000,000"

Insert: "78,000,000"

Strike: "27,000,000"

Insert: "31,000,000"

65. Page B-5, following line 1.

Insert: "d. Sustain System of Care and Kids Management Authorities (Restricted)

333,500 333,500" [general fund FY10 and FY11]

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"e. Indian Property Exclusion in Medicaid Determination
231,764 310,188" [general fund FY10 and FY11]
"751,536 732,110" [federal special revenue FY10 and FY11]

"f. Transitional Medicaid
196,432 248,020 [general fund FY10 and FY11]
636,968 585,380 [federal fund FY10 and FY11]"

66. Page B-5, following line 4.

Insert: "b. Nonmedicaid Community Aging Services (Restricted)
1,500,000 1,500,000" [general fund FY10 and FY11]

"9. Addictive and Mental Disorders Division (33)

a. Mental Health Crisis Diversion Pilot Program (Restricted)
2,000,000 2,000,000" [general fund FY10 and FY11]

67. Page B-5, lines 8 and 9.

Strike: lines 8 and 9 in their entirety

68. Page B-5, following line 10.

Insert: "The lesser of \$668,397 or actual total fiscal year 2010 expenditures from Human and Community Services Division, Child Care Development Block Grant -- FY 2010-11 may be included in the base budget for the purposes of 17-7-111 for the 2013 biennium budget in accordance with [section 5]. These expenditures may be funded with general fund in the present law base for the 2013 biennium executive budget in accordance with [section 5].

Homeless Prevention/Emergency Food & Shelter -- General Fund may be used by the Human and Community Services Division only to allow human resource development councils to assist shelters throughout the state in the four components identified for shelters in the federal grant: (1) essential services to homeless families; (2) one-time payments for homeless prevention services; (3) maintenance funding in support of existing emergency shelters and domestic violence facilities that provide shelter, food, and individual support services; and (4) rehabilitation or conversion of buildings for homeless shelters.

Provider Rate Increase may be used only to fund a provider rate increase. Funds may be allocated among programs."

69. Page B-5, following line 11.

Insert: "Total fiscal year 2010 expenditures from CSED -- Temporarily Restore Federal Matching Funds -- FY 2010-11 may be included in the base budget for the purposes of 17-7-111 for the 2013 biennium budget in accordance with [section 5]. These expenditures may be funded with general fund in the present law base for the 2013 biennium executive budget in accordance with [section 5].

Funding for Transitions Coordinator may only be expended by the Disability Services Division for a transitions coordinator."

70. Page B-5, line 11.

Strike: line 11 in its entirety

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71. Page B-5, line 12.

Strike: "\$75"

Insert: "\$71"

Strike: "\$27"

Insert: "\$26"

72. Page B-5, line 13.

Following: "medicaid"

Insert: "and Title IV-E funding"

73. Page B-5.

Following: line 13

Insert: "Total fiscal year 2010 expenditures from FMAP -- FY 2010-11 may be included in the base budget for the purposes of 17-7-111 for the 2013 biennium budget in accordance with [section 5]. These expenditures may be funded with general fund in the present law base for the 2013 biennium executive budget in accordance with [section 5]."

The total collections of enhanced FMAP include \$146 million that reduces state general fund expenditures, \$14 million of additional general fund revenue from institutional reimbursements and the hospital utilization fee, and \$3 million of additional federal expenditures for schools which does not impact general fund.

Medicaid Caseload is restricted to transfers to a state special revenue account of funds eligible for reserve under the American Recovery and Reinvestment Act of 2009, Public Law 111-5, Title V, section 5001.

Medicaid Caseload -- FY2010-11 may be used only to pay medicaid benefits above the level appropriated in House Bill No. 2 excluding the healthy Montana kids program.

Up to \$1 million of general fund and \$1 million of federal funds may be used for administration directly attributable to the American Recovery and Reinvestment Act of 2009, Public Law 111-5, or to medicaid benefits.

Mental Health Crisis Diversion Pilot Program is contingent upon passage and approval of House Bill No. 130, House Bill No. 131, and House Bill No. 132 and may be used only to implement those bills."

74. Page C-4.

Following: line 4

Insert: "d. Flood Damage Mitigation Assistance Program 1,000,000 1,000,000" [general fund FY10 and FY11]

75. Page C-4.

Strike: line 16 through page C-5, line 3 in their entirety

76. Page D-1.

Following: line 1

Insert: "JUDICIARY (2110)

1. Supreme Court Operations (01)

a. Self-Help Law Program 247,500 247,500" [General Fund FY 2010 and FY 2011]

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77. Page D-1.

Following: line 13

Strike: line 14 through line 16 in their entirety

Insert: "1. Legal Services Division (01)

a. Crime Victims Compensation Grant 90,582 90,582" [Federal Fund FY 2010 and 2011]

78. Page D-2.

Strike: line 2 through line 3

Renumber: subsequent sections

79. Page D-2.

Following: line 9

Strike: line 10 through line 12 in their entirety

Insert: "1. Community Corrections (02)

a. Remove Vacancy Savings for 24-7 Staff/Reduce Overtime 73,225 73,620" [General Fund FY 2010 and 2011]

2. "Secure Care (03)

a. Remove Vacancy Savings for 24-7 Staff/Reduce Overtime 997,547 1,002,781" [General Fund FY 2010 and 2011]

3. "Juvenile Corrections (05)

a. Remove Vacancy Savings for 24-7 Staff/Reduce Overtime 282,040 283,346" [General Fund FY 2010 and FY 2011]

80. Page E-2, line 9.

Following: line 8

Insert: "h. Special Education -- Maintenance of Effort -- FY 2009"
1,233,764 1,233,764 [general fund FY10 FY11]

i. Flex Fund

5,000,000 5,000,000 [general fund FY10 FY11]"

81. Page E-2.

Following: line 11

Insert: "Total fiscal year 2010 expenditures from the line item Flex Fund may be included in the base budget as the at-risk funding component for the purposes of 17-7-111 for the 2013 biennium budget in accordance with [section 5]. These expenditures may be funded with general fund in the present law budget for the 2013 biennium executive budget in accordance with [section 5]

MONTANA ARTS COUNCIL (5114)

1. National Endowment for the Arts

145,500 145,500 [federal special revenue FY10 FY 11]

MONTANA LIBRARY COMMISSION (5115)

1. Statewide Library Resources (01)

a. Expansion of Reading Services for the Blind

323,000 [general fund FY10]"

82. Page E-3, line 1.

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Following: "Assistance"

Insert: "(Restricted/OTO)"

83. Page E-3, line 2.

Strike: "0 0" [general fund FY 10 and FY 11]

Insert: "700,000 700,000" [general fund FY 10 and FY 11]

84. Page E-3,

Following: line 2

Insert: "b. Community Colleges Tuition Mitigation
776,851 824,024 [general fund FY10 FY11]"

85. Page E-3.

Following: line 7

Insert: " c. Montana University System Tuition Mitigation and Increased Access to Distance Learning for Resident Students

4,103,549 4,103,549 [general fund FY10 FY11]

d. PBS Satellite Delivery

200,000 200,000 [general fund FY10 FY11]

e. Agricultural Experiment Station and Montana Extension Service Additional Funding

300,000 300,000 [general fund FY10 FY11]"

f. Virtual High School

1,120,000 1,120,000 [general fund FY10 FY11]

86. Page E-3.

Strike: line 14 through line 16

87. Page E-4.

Following: line 5

Insert: "The amount of \$1,400,000 general fund over the biennium for Community College Assistance will be divided equally between Miles community college and Dawson community college for tuition stabilization and infrastructure, energy, and weatherization projects."

88. Page E-4.

Following: line 7

Insert: "Total fiscal year 2010 expenditures from the line item Stabilization Funding for Higher Education may be included in the base budget for the purposes of 17-7-111 for the 2013 biennium budget in accordance with [section 5]. These expenditures may be funded with general fund in the present law base for the 2013 biennium executive budget in accordance with [section 5]."

89. Page F-1, line 5.

Strike: "7,734,914[FY 2010 Federal Special Revenue]"

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Insert: "6,744,914[FY 2010 Federal Special Revenue]"
Strike: "7,734,914[FY 2011 Federal Special Revenue]"
Insert: "6,744,914[FY 2011 Federal Special Revenue]"

90. Page F-1, line 7.

Strike: "542,586[FY 2010 General Fund]"
Insert: "1,792,586[FY 2010 General Fund]"
Strike: "542,586[FY 2011 General Fund]"
Insert: "1,792,586[FY 2011 General Fund]"

91. Page F-1, line 9.

Strike: "7,094,000[FY 2010 Federal Special Revenue]"
Insert: "7,519,000[FY 2010 Federal Special Revenue]"
Strike: "7,094,000[FY 2011 Federal Special Revenue]"
Insert: "7,519,000[FY 2011 Federal Special Revenue]"

92. Page F-2, line 1.

Strike: "3,000,000[FY 2010 General Fund]"
Insert: "1,500,000[FY 2010 General Fund]"
Strike: "3,000,000[FY 2011 General Fund]"
Insert: "1,500,000[FY 2011 General Fund]"

93. Page F-2, line 2 through 3.

Strike: line 2 through line 3 in their entirety
Renumber: subsequent subsections

94. Page F-2, line 10.

Strike: "1,000,000[FY 2010 General Fund]"
Insert: "500,000[FY 2010 General Fund]"
Strike: "1,000,000[FY 2011 General Fund]"
Insert: "500,000[FY 2011 General Fund]"

95. Page F-2, line 11 through 12.

Strike: line 11 through line 12 in their entirety
Renumber: subsequent subsections

96. Page F-2, line 14.

Strike: "2,750,000[FY 2010 General Fund]"
Insert: "750,000[FY 2010 General Fund]"
Strike: "2,750,000[FY 2011 General Fund]"
Insert: "750,000[FY 2011 General Fund]"

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97. Page F-2, line 16.

Strike: "3,433,100[FY 2010 General Fund]"

Insert: "1,750,000[FY 2010 General Fund]"

Strike: "3,433,100[FY 2011 General Fund]"

Insert: "1,750,000[FY 2011 General Fund]"

98. Page F-3, line 5.

Strike: "10,250,000[FY 2010 General Fund]"

Insert: "11,500,000[FY 2010 General Fund]"

Strike: "10,250,000[FY 2011 General Fund]"

Insert: "11,500,000[FY 2011 General Fund]"

99. Page F-3.

Strike: line 9 through line 10 in their entirety

100. Page F-3, line 13.

Strike: "1,750,000[FY 2010 General Fund]"

Insert: "2,074,398[FY 2010 General Fund]"

Strike: "1,750,000[FY 2011 General Fund]"

Insert: "2,074,398[FY 2011 General Fund]"

101. Page F-3, line 16.

Strike: "500,000[FY 2010 General Fund]"

Insert: "897,133[FY 2010 General Fund]"

Strike: "500,000[FY 2011 General Fund]"

Insert: "897,133[FY 2011 General Fund]"

102. Page F-4.

Strike: line 8

And, as amended, do pass. Report adopted.

HB 655, do pass. Report adopted.

BUSINESS AND LABOR (Wilson, Chairman):

3/25/2009

SB 192, do pass. Report adopted.

SB 375, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

3/25/2009

SB 229, be concurred in. Report adopted.

TAXATION (Lake, Chairman):

3/25/2009

HB 653, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "DATE"

Insert: "AND A RETROACTIVE APPLICABILITY DATE"

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2. Page 1, line 27.

Following: "department"

Insert: "of revenue"

Strike: "increment"

Insert: "area or district"

3. Page 1, line 29.

Following: "department"

Insert: "of revenue"

4. Page 1, line 30.

Strike: "increment"

Insert: "area or district"

5. Page 2, line 1.

Strike: "tax increment"

Insert: "area or district"

6. Page 2, line 2.

Following: "reconstruction."

Insert: "If reconstruction of the property is only partially completed as of January 1 of the tax year, the department of revenue shall determine the base taxable value of the property for that tax year by multiplying the percentage of completion, expressed as a decimal equivalent, of reconstruction of the property by the original base taxable value of the property."

7. Page 2.

Following: line 3

Insert: "COORDINATION SECTION. Section 2. Coordination instruction. If Senate Bill No. 48 is passed and approved and if it includes a section that amends 7-15-4293, then [section 1(3) of this act] must read as follows:

(3) (a) If an urban renewal area, an industrial district, a technology district, or an aerospace transportation and technology district suffers a loss of property value directly related to a disaster for which the principal executive officer of the local jurisdiction has made a disaster declaration pursuant to 10-3-402, the department of revenue shall decrease the base taxable value of the area or district by the amount of the base taxable value lost because of the disaster in the tax year in which the disaster is declared. The principal executive officer shall forward a copy of the disaster declaration to the department of revenue.

(b) The taxable value removed from the base taxable value of the area or district under subsection (3)(a) must be added to the base taxable value of the area or district upon reconstruction of the property in the tax year of reconstruction. If reconstruction of the property is only partially completed as of January 1 of the tax year, the department of revenue shall determine the base taxable value of the property for that tax year by multiplying the percentage of completion, expressed as a decimal equivalent, of reconstruction of the property by the original base taxable value of the property. The addition to the base taxable value under this subsection (3)(b) is limited to the amount of the original base taxable value of each parcel before the disaster occurred."

Renumber: subsequent section

8. Page 2.

Following: line 5

Insert: "NEW SECTION. Section 4. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2008."

And, as amended, do pass. Report adopted.

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FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 679, introduced by Stahl, referred to Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 5 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 71

Nays: Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Randall, Regier, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Washburn.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 6 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: B. Beck, Boniek, Howard, Ingraham, Kerns, Lake, McGillvray, Miller, More, Randall, Sales, Smith, Wagner.

Total 13

Excused: None.

Total 0

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Absent or not voting: Boss Ribs.
Total 1

HB 10 passed (2/3 vote requirement) as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 67

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.
Total 33

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 11 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 89

Nays: Boniek, Brown, Ingraham, Kerns, Lake, Mendenhall, Miller, More, Sales, Smith, Wagner.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 55 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner,

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Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Caferro, Miller, Pomnichowski, Wagner.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 130 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Howard, Ingraham, Kerns, Mendenhall, Miller, Randall, Regier, Reichner, Sales, Sonju, Vance, Vincent, Wagner.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 131 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 76

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Howard, Ingraham, Kerns, McGillvray,

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Mendenhall, Miller, Peterson, Randall, Regier, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 132 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 79

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Howard, Ingraham, Kerns, McGillvray, Mendenhall, Miller, Randall, Regier, Reichner, Sales, Smith, Sonju, Vance, Wagner, Warburton.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 152 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 77

Nays: Bean, Bennett, Boniek, Butcher, Hawk, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Randall, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Wagner, Welborn.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 173 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Wagner.

Total 27

Excused: None.

Total 0

Absent or not voting: Boland.

Total 1

HB 213 passed as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 74

Nays: Arntzen, Bean, Bennett, Berry, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Morgan, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Vance, Wagner.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 250 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney,

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O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: Blasdel, Boniek, Brown, Ingraham, Kasten, Kerns, McGillvray, Mendenhall, More, Randall, Sales, Smith, Sonju, Vincent, Wagner, Warburton.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 258 passed as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Van Dyk, Villa, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 66

Nays: Arntzen, Bean, Bennett, Berry, Boniek, Brown, Butcher, Caferro, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Roberts, Sales, Smith, Stoker, Taylor, Vance, Wagner, Warburton, Washburn, Welborn.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 333 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roundstone, Sands, Sesso, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 75

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Jones, Kerns, Lake, MacLaren, Mendenhall, Milburn, More, Peterson, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Wagner, Warburton, Washburn.

Total 25

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 411 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 67

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Vance, Wagner, Washburn.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 459 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 78

Nays: Bennett, Boniek, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, McGillvray, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Roberts, Sales, Smith, Stahl, Vance, Wagner.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 487 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger,

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Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Kerns, Lake, Sales, Wagner.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 577 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 57

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 611 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

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Nays: Brown, Kerns, Sales, Wagner.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 623 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Boniek, Wagner.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 629 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Boniek, Mendenhall, Morgan, Sales.
Total 4

Excused: None.
Total 0

Absent or not voting: Jones.

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Total 1

HB 659 passed as follows:

Yeas: Ankney, Belcourt, Bennett, Berry, Boniek, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, A. Noonan, Nooney, O'Hara, Peterson, Regier, Roberts, Sesso, Smith, Stahl, Steenson, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Mr. Speaker.

Total 55

Nays: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Dickenson, French, Hands, Hawk, Hendrick, Kasten, Kerns, Lake, MacDonald, Malek, McClafferty, Miller, More, Morgan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sales, Sands, Sonju, Stoker, Taylor, Vance, Wagner, Wilmer, Wilson, Wiseman.

Total 44

Excused: None.

Total 0

Absent or not voting: Howard.

Total 1

SB 250 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: B. Beck, Boniek, Hawk, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Sonju, Vincent, Wagner.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative MacDonald in the chair.

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Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 52 - Representative McNutt moved **HB 52** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: Bean, B. Beck, Blasdel, Boniek, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, Mendenhall, More, Randall, Sales, Sonju, Vance.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 110 - Representative Sesso moved **HB 110** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Belcourt, Bennett, Blewett, Boland, Boss Ribs, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 68

Nays: B. Beck, Berry, Blasdel, Boniek, Brown, Butcher, Caferro, Cohenour, Hendrick, Howard, Hunter, Kerns, Lake, McGillvray, Menahan, Mendenhall, Milburn, Miller, More, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Vincent, Wagner, Washburn, Welborn.

Total 30

Excused: None.

Total 0

Absent or not voting: Becker, Warburton.

Total 2

HB 280 - Representative Hunter moved **HB 280** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jopek, Klock, Kottel,

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MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 68

Nays: Bean, Bennett, Berry, Blasdel, Boniek, Butcher, Hawk, Hendrick, Howard, Ingraham, Jones, Kasten, Kerns, Lake, McGillvray, Miller, More, Morgan, Randall, Regier, Reichner, Roberts, Sales, Smith, Stoker, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 31

Excused: None.
Total 0

Absent or not voting: P. Beck.
Total 1

HB 464 - Representative O'Hara moved **HB 464** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 85

Nays: B. Beck, Bennett, Brown, Hawk, Ingraham, Kasten, Kerns, McGillvray, More, Morgan, Sales, Smith, Sonju, Stoker, Vincent.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 472 - Representative Di. Barrett moved **HB 472** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 74

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hollandsworth, Ingraham, Kerns, Lake, Mendenhall, Miller, More, Regier, Reichner, Sales, Smith, Stahl, Stoker, Wagner, Warburton, Washburn,

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Welborn.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 562 - Representative Cohenour moved **HB 562** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Kerns, McGillvray, Mendenhall, Sales, Sonju, Wagner.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 578 - Representative Caferro moved **HB 578** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 83

Nays: Bennett, Berry, Blasdel, Hawk, Kerns, Lake, Mendenhall, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stoker, Vincent, Warburton.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 634 - Representative McAlpin moved **HB 634** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, Malek, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: Bean, Bennett, Boniek, Brown, Hawk, Hollandsworth, Ingraham, Kerns, Lake, MacLaren, Mendenhall, Miller, Peterson, Randall, Sales, Smith, Stoker, Vance, Vincent, Wagner.

Total 20

Excused: None.

Total 0

Absent or not voting: Glaser, McChesney, Stahl.

Total 3

HB 644 - Representative Sesso moved **HB 644** do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 61

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 38

Excused: None.

Total 0

Absent or not voting: Pomnichowski.

Total 1

HB 676 - Representative Sesso moved **HB 676** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso,

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Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.
Total 81

Nays: B. Beck, Becker, Caferro, Dickenson, French, Ingraham, Kerns, McGillvray, Mendenhall, Miller, More, Randall, Sales, Smith, Sonju, Vance, Vincent, Wagner.
Total 18

Excused: None.
Total 0

Absent or not voting: Wilson.
Total 1

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman MacDonald moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 82

Nays: Bennett, Boniek, Hawk, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Randall, Sales, Smith, Taylor, Vance, Vincent, Wagner.
Total 16

Excused: None.
Total 0

Absent or not voting: Fleming, Welborn.
Total 2

MOTIONS

Rep. Wilmer moved that **HB 590** be taken from the State Administration Committee and be placed on second reading on the 67th legislative day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Augare, Barrett, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Dickenson, Driscoll, Ebinger, French, Furey, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 46

Nays: Ankney, Arntzen, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Cohenour, Fleming, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara,

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Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HB 669** Motion carried.

HB 669 (Vincent Chief Sponsor)

Representatives Mendenhall and Hoven.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 11:00 a.m., Thursday, March 26, 2009. Motion carried.

House adjourned at 3:22 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SIXTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
March 26, 2009

House Chambers
State Capitol

House convened at 11:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Boniek. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Himmelberger, Chairman):
SB 299, be amended as follows:

3/26/2009

1. Title, page 1, line 5.

Strike: "AND AN EXAMINATION"

Insert: "IN SPECIFIED CIRCUMSTANCES"

2. Page 1, line 18.

Strike: "or reappointed"

3. Page 1, line 20 through line 21.

Strike: "that" on line 20 through "process" on line 21

Following: line 21

Insert: "(2) A person may not be reappointed as a notary public if at any time during the notary's term a complaint has been filed against the notary or the secretary of state's office has received evidence of improperly notarized documents by the notary unless the person has satisfactorily completed a training program certified by the secretary of state."

Renumber: subsequent subsection

And, as amended, be concurred in. Report adopted.

SB 348, be amended as follows:

1. Title, page 1, line 6 through line 10.

Strike: the first "EACH" on line 6 through "LEGISLATION" on line 10

Insert: "ANNUAL SESSIONS LIMITED TO 90 DAYS IN ANY 2-YEAR PERIOD; DESIGNATING ONE SESSION OF THE BIENNIUM AS A BUDGET SESSION AND ONE SESSION OF THE BIENNIUM A GENERAL SESSION; LIMITING THE LEGISLATURE TO CONSIDERATION OF APPROPRIATION AND REVENUE MATTERS"

2. Page 1, line 15 through page 2, line 9.

Strike: everything after the enacting clause

Insert: "**Section 1.** Article V, section 6, of The Constitution of the State of Montana is amended to read:

"Section 6. Sessions. (1) The legislature shall meet ~~each odd-numbered year in regular session of in annual sessions limited to not more than 90 legislative days in any 2-year period, except when called into special session. Any legislature may increase the limit on the length of any subsequent session.~~

(2) (a) One session of the biennium shall be a budget session and shall begin on the date established by law.

(b) Only a bill to increase or decrease an appropriation or to increase or decrease revenue may be introduced

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during a budget session unless introduction of another bill is approved by two-thirds vote of either house.

(3) One session of the biennium must be primarily for consideration of general bills and any necessary budget reconciliation and shall begin on the date established by law.

(4) The legislature may be convened in special sessions by the governor or ~~at the~~ by written request of a majority of the members."

Insert: "NEW SECTION. **Section 2. Effective date -- applicability.** If approved by the electorate, this amendment is effective January 1, 2011, and applies to sessions of the legislature beginning after December 31, 2012."

Insert: "NEW SECTION. **Section 3. Submission to electorate.** This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 2010 by printing on the ballot the full title of this act and the following:

- ☐ FOR annual legislative sessions limited to 90 days in any 2-year period, with one session addressing the budget and one session addressing general bills.
- ☐ AGAINST annual legislative sessions limited to 90 days in any 2-year period, with one session addressing the budget and one session addressing general bills."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/26/2009

HB 221, introduced by Cohenour

HB 593, introduced by Villa

House bill concurred in and returned to the House:

3/26/2009

HB 243, introduced by Hunter

Senate bills passed and transmitted to the House for concurrence:

3/26/2009

SB 234, introduced by Gillan

SB 241, introduced by Balyeat

SB 245, introduced by Balyeat

SB 263, introduced by Shockley

SB 303, introduced by Wanzonried

SB 500, introduced by J. Peterson

SB 502, introduced by Keane

SB 505, introduced by Bales

MESSAGES FROM THE GOVERNOR

March 20, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Bergren:

STATE INTERNET/BBS COPY

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Please be informed that I have signed the following bills:

3/20/2009

House Bill 76 sponsored by Representative P. Beck,
House Bill 101 sponsored by Representative Welborn,
House Bill 138 sponsored by Representative Hunter,
House Bill 160 sponsored by Representative Furey,
House Bill 181 sponsored by Representative K. Peterson et al.,
House Bill 207 sponsored by Representative Klock,
House Bill 208 sponsored by Representative O'Hara,
House Bill 296 sponsored by Representative Menahan et al.,
Senate Bill 23 sponsored by Representative et al.,
Senate Bill 35 sponsored by Representative Jent,
Senate Bill 53 sponsored by Representative Lewis,
Senate Bill 72 sponsored by Representative Laslovich,
Senate Bill 78 sponsored by Representative Brenden,
Senate Bill 91 sponsored by Representative Shockley,
Senate Bill 98 sponsored by Representative Keane,
Senate Bill 103 sponsored by Representative Moss,
Senate Bill 140 sponsored by Representative Perry,
Senate Bill 152 sponsored by Representative Brueggeman,
Senate Bill 157 sponsored by Representative Shockley,
Senate Bill 161 sponsored by Representative De. Barrett,
Senate Bill 201 sponsored by Representative Laslovich,
Senate Bill 215 sponsored by Representative Steinbeisser,
Senate Bill 252 sponsored by Representative Cooney et al.

Sincerely,

BRIAN SCHWEITZER
Governor

March 23, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Bergren:

Please be informed that I have signed the following bills:

3/23/2009

House Bill 61 sponsored by Representative Sesso,
House Bill 120 sponsored by Representative McChesney,
House Bill 121 sponsored by Representative Cohenour,
House Bill 159 sponsored by Representative Augare,
House Bill 205 sponsored by Representative Ebinger et al.,
House Bill 242 sponsored by Representative McAlpin,
Senate Bill 256 sponsored by Representative Shockley.

Sincerely,

STATE INTERNET/BBS COPY

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BRIAN SCHWEITZER
Governor

March 25, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Bergren:

Please be informed that I have signed the following bills:

3/25/2009

House Bill 27 sponsored by Representative Wiseman,
House Bill 37 sponsored by Representative Campbell,
House Bill 38 sponsored by Representative Campbell,
House Bill 44 sponsored by Representative Vincent,
House Bill 46 sponsored by Representative Fleming,
House Bill 57 sponsored by Representative Bean,
House Bill 70 sponsored by Representative Sands,
House Bill 94 sponsored by Representative McNutt,
House Bill 114 sponsored by Representative Henry,
House Bill 122 sponsored by Representative Menahan,
House Bill 136 sponsored by Representative Boland,
House Bill 149 sponsored by Representative Menahan,
House Bill 151 sponsored by Representative Becker,
House Bill 172 sponsored by Representative Arntzen,
House Bill 245 sponsored by Representative Ankney,
House Bill 247 sponsored by Representative Bergren et al.,
House Bill 273 sponsored by Representative O'Hara,
House Bill 278 sponsored by Representative McChesney et al.,
House Bill 283 sponsored by Representative Himmelberger,
House Bill 285 sponsored by Representative Reichner et al.,
House Bill 287 sponsored by Representative Driscoll et al.,
House Bill 293 sponsored by Representative Hiner et al.,
House Bill 298 sponsored by Representative Blewett et al.,
House Bill 426 sponsored by Representative et al.
Senate Bill 5 sponsored by Representative Erickson,
Senate Bill 21 sponsored by Representative Story,
Senate Bill 25 sponsored by Representative Wanzenried,
Senate Bill 40 sponsored by Representative Juneau,
Senate Bill 54 sponsored by Representative Steinbeisser,
Senate Bill 77 sponsored by Representative Juneau,
Senate Bill 88 sponsored by Representative M. Tropila,
Senate Bill 89 sponsored by Representative M. Tropila,
Senate Bill 102 sponsored by Representative Brueggeman,
Senate Bill 120 sponsored by Representative Zinke,
Senate Bill 135 sponsored by Representative Larsen,
Senate Bill 150 sponsored by Representative Brueggeman,

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Senate Bill 155 sponsored by Representative Cooney,
Senate Bill 160 sponsored by Representative Jent,
Senate Bill 170 sponsored by Representative Gebhardt,
Senate Bill 182 sponsored by Representative Esp,
Senate Bill 196 sponsored by Representative Windy Boy et al.,
Senate Bill 219 sponsored by Representative Squires,
Senate Bill 255 sponsored by Representative Tutvedt,
Senate Bill 262 sponsored by Representative Wanzenried,
Senate Bill 296 sponsored by Representative Essmann et al.,
Senate Bill 331 sponsored by Representative Balyeat et al.,
Senate Bill 376 sponsored by Representative Black,
Senate Bill 390 sponsored by Representative McGee et al.,
Senate Bill 438 sponsored by Representative Juneau et al.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 241, introduced by Balyeat, Ankney, Bales, Balyeat, De. Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Erickson, Essmann, Gallus, Hamlett, Hansen, Hinkle, Jackson, Jent, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Wanzenried, Windy Boy, Zinke, referred to Taxation.

SB 245, introduced by Balyeat, Ankney, Arntzen, Bales, Balyeat, Barkus, De. Barrett, Berry, Black, Boniek, Brenden, R. Brown, T. Brown, Curtiss, Essmann, Gebhardt, Himmelberger, Hinkle, Hoven, Jackson, Kasten, Laible, McGee, McGillvray, McNutt, Perry, K. Peterson, Randall, Smith, Steinbeisser, Welborn, Zinke, referred to Taxation.

SB 263, introduced by Shockley, Sales, Stoker, referred to Judiciary.

SB 500, introduced by J. Peterson, referred to Appropriations.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Himmelberger in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 664 - Representative Jopek moved **HB 664** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone,

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Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 71

Nays: Bennett, Berry, Boniek, Brown, Glaser, Hawk, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, McGillvray, Mendenhall, Miller, More, Morgan, O'Hara, Peterson, Pomnichowski, Sales, Smith, Sonju, Stoker, Vincent, Wagner, Washburn, Welborn.
Total 28

Excused: None.
Total 0

Absent or not voting: McChesney.
Total 1

HB 645 - Representative Sesso introduced **HB 645**.

HB 645 - Representative Reinhart moved **HB 645**, second reading copy, be amended as follows:

1. Page 4, line 13.

Following: "(1)"

Insert: "(a)"

Strike: "An"

Insert: "Subject to subsection (1)(b), an"

2. Page 4.

Following: line 15

Insert: "(b) Unless specifically required by the American Recovery and Reinvestment Act of 2009, Public Law 111-5, the department of transportation may not charge indirect costs for funds received under the American Recovery and Reinvestment Act of 2009, Public Law 111-5."

Amendment **failed** as follows:

Yeas: Arntzen, Barrett, B. Beck, Becker, Bennett, Boniek, Boss Ribs, Butcher, Caferro, Cohenour, Dickenson, French, Henry, Ingraham, Kasten, Malek, McAlpin, Morgan, Pomnichowski, Reichner, Reinhart, Sales, Sonju, Vincent, Wagner, Wiseman.
Total 26

Nays: Ankney, Augare, Bean, P. Beck, Belcourt, Berry, Blewett, Boland, Brown, Campbell, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Mr. Speaker.
Total 69

Excused: Howard, Miller.
Total 2

Absent or not voting: Blasdel, Hendrick, Welborn.
Total 3

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HB 645 - Representative Wiseman moved **HB 645**, second reading copy, be amended as follows:

1. Page 6, line 17.

Strike: "51"

Insert: "52"

2. Page 7, line 14.

Strike: "51"

Insert: "52"

3. Page 33, line 5.

Strike: "51"

Insert: "52"

4. Page 36, line 14.

Strike: "51"

Insert: "52"

5. Page 44.

Following: line 2

Insert: "NEW SECTION. Section 30. Local disaster grant program. The department of commerce shall make grants from funds made available for that purpose to a local government for the purpose of removal of debris from property directly damaged by a disaster for which the principal executive officer of the local jurisdiction has made a disaster declaration pursuant to 10-3-402. The terms of a grant must include a provision for repayment of the grant amount from the proceeds of any recovery that the local government receives for the costs incurred in removing the debris."

Renumber: subsequent sections

6. Page 43, line 14.

Strike: "51"

Insert: "52"

7. Page 43, line 17.

Strike: "51"

Insert: "52"

8. Page 48, line 10.

Strike: "51"

Insert: "52"

9. Page 49, line 12.

Strike: "51"

Insert: "52"

10. Page 50, line 8.

Strike: "51"

Insert: "52"

11. Page 50, line 19.

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Strike: "51"
Insert: "50"

12. Page 51, line 5.
Strike: "51"
Insert: "52"

13. Page 51, line 12.
Strike: "51"
Insert: "52"

14. Page 51, line 20.
Following: "25"
Insert: ", "
Strike: "AND"
Following: "26"
Insert: ", and 30"

15. Page 51, line 21.
Following: "25"
Insert: ", "
Strike: "AND"
Following: "26"
Insert: ", and 30"

16. Page 52, line 15.
Strike: "51"
Insert: "52"

17. Page A-3.
Following: line 6
Insert: "g. Local Disaster Grant Program
400,000" [general fund in FY 2010]

18. Page F-2, line 5.
Strike: "1,500,000 [FY 2010 General Fund]"
Insert: "1,100,000 [FY 2010 General Fund]"

Amendment **failed** as follows:

Yeas: Barrett, Blasdel, Blewett, Boland, Caferro, Cohenour, Dickenson, Ebinger, Fleming, Getz, Hamilton, Hands, Ingraham, Malek, McAlpin, More, P. Noonan, Phillips, Pomnichowski, Reinhart, Vance, Washburn, Wilmer, Wilson, Wiseman.
Total 25

Nays: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Boniek, Boss Ribs, Brown, Butcher, Campbell, Driscoll, French, Furey, Glaser, Grinde, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith,

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Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Mr. Speaker.
Total 70

Excused: Howard, Miller.
Total 2

Absent or not voting: Pease-Lopez, Warburton, Welborn.
Total 3

HB 645 - Representative Wiseman moved **HB 645**, second reading copy, be amended as follows:

1. Page 6, line 17.

Strike: "51"

Insert: "52"

2. Page 7, line 14.

Strike: "51"

Insert: "52"

3. Page 33, line 5.

Strike: "51"

Insert: "52"

4. Page 36, line 14.

Strike: "51"

Insert: "52"

5. Page 44.

Following: line 2

Insert: "NEW SECTION. Section 30. Local disaster grant program. The department of commerce shall make grants from funds made available for that purpose to a local government for the purpose of removal of debris from property directly damaged by a disaster for which the principal executive officer of the local jurisdiction has made a disaster declaration pursuant to 10-3-402. The terms of a grant must include a provision for repayment of the grant amount from the proceeds of any recovery that the local government receives for the costs incurred in removing the debris."

Renumber: subsequent sections

6. Page 43, line 14.

Strike: "51"

Insert: "52"

7. Page 43, line 17.

Strike: "51"

Insert: "52"

8. Page 48, line 10.

Strike: "51"

Insert: "52"

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9. Page 49, line 12.

Strike: "51"

Insert: "52"

10. Page 50, line 8.

Strike: "51"

Insert: "52"

11. Page 50, line 19.

Strike: "51"

Insert: "50"

12. Page 51, line 5.

Strike: "51"

Insert: "52"

13. Page 51, line 12.

Strike: "51"

Insert: "52"

14. Page 51, line 20.

Following: "25"

Insert: ", "

Strike: "AND"

Following: "26"

Insert: ", and 30"

15. Page 51, line 21.

Following: "25"

Insert: ", "

Strike: "AND"

Following: "26"

Insert: ", and 30"

16. Page 52, line 15.

Strike: "51"

Insert: "52"

17. Page A-3.

Following: line 6

Insert: "g. Local Disaster Grant Program
400,000" [general fund in FY 2010]

18. Page A-5, line 1.

Strike: "1,500,000" [general fund FY 10]

Insert: "1,100,000" [general fund FY 11]

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Amendment **failed** as follows:

Yeas: Blasdel, Blewett, Boland, Caferro, Cohenour, Dickenson, Fleming, Getz, Malek, McAlpin, More, Phillips, Pomnichowski, Reinhart, Vance, Wilmer, Wilson, Wiseman.

Total 18

Nays: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Boniek, Boss Ribs, Brown, Butcher, Campbell, Driscoll, Ebinger, French, Furey, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 79

Excused: Howard, Miller.

Total 2

Absent or not voting: Pease-Lopez.

Total 1

HB 645 - Representative Wiseman moved **HB 645**, second reading copy, be amended as follows:

1. Page 6, line 17.

Strike: "51"

Insert: "52"

2. Page 7, line 14.

Strike: "51"

Insert: "52"

3. Page 33, line 5.

Strike: "51"

Insert: "52"

4. Page 36, line 14.

Strike: "51"

Insert: "52"

5. Page 44.

Following: line 2

Insert: "NEW SECTION. Section 30. Local disaster grant program. The department of commerce shall make grants from funds made available for that purpose to a local government for the purpose of removal of debris from property directly damaged by a disaster for which the principal executive officer of the local jurisdiction has made a disaster declaration pursuant to 10-3-402. The terms of a grant must include a provision for repayment of the grant amount from the proceeds of any recovery that the local government receives for the costs incurred in removing the debris."

Renumber: subsequent sections

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6. Page 43, line 14.

Strike: "51"

Insert: "52"

7. Page 43, line 17.

Strike: "51"

Insert: "52"

8. Page 48, line 10.

Strike: "51"

Insert: "52"

9. Page 49, line 12.

Strike: "51"

Insert: "52"

10. Page 50, line 8.

Strike: "51"

Insert: "52"

11. Page 50, line 19.

Strike: "51"

Insert: "50"

12. Page 51, line 5.

Strike: "51"

Insert: "52"

13. Page 51, line 12.

Strike: "51"

Insert: "52"

14. Page 51, line 20.

Following: "25"

Insert: ", "

Strike: "AND"

Following: "26"

Insert: ", and 30"

15. Page 51, line 21.

Following: "25"

Insert: ", "

Strike: "AND"

Following: "26"

Insert: ", and 30"

16. Page 52, line 15.

Strike: "51"

Insert: "52"

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17. Page A-3.

Following: line 6

Insert: "g. Local Disaster Grant Program
400,000" [general fund in FY 2010]

18. Page A-4, line 12.

Strike: "2,500,871" [general fund FY 10]

Insert: "2,100,871" [general fund FY 10]

Amendment **failed** as follows:

Yeas: Becker, Blewett, Boland, Ebinger, Fleming, Getz, Ingraham, McAlpin, More, Pomnichowski, Wilmer, Wiseman.

Total 12

Nays: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, French, Furey, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.

Total 85

Excused: Howard, Miller.

Total 2

Absent or not voting: Mendenhall.

Total 1

HB 645 - Representative Wiseman moved **HB 645**, second reading copy, be amended as follows:

1. Page 6, line 17.

Strike: "51"

Insert: "52"

2. Page 7, line 14.

Strike: "51"

Insert: "52"

3. Page 33, line 5.

Strike: "51"

Insert: "52"

4. Page 36, line 14.

Strike: "51"

Insert: "52"

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5. Page 44.

Following: line 2

Insert: "NEW SECTION. **Section 30. Local disaster grant program.** The department of commerce shall make grants from funds made available for that purpose to a local government for the purpose of removal of debris from property directly damaged by a disaster for which the principal executive officer of the local jurisdiction has made a disaster declaration pursuant to 10-3-402. The terms of a grant must include a provision for repayment of the grant amount from the proceeds of any recovery that the local government receives for the costs incurred in removing the debris."

Renumber: subsequent sections

6. Page 43, line 14.

Strike: "51"

Insert: "52"

7. Page 43, line 17.

Strike: "51"

Insert: "52"

8. Page 48, line 10.

Strike: "51"

Insert: "52"

9. Page 49, line 12.

Strike: "51"

Insert: "52"

10. Page 50, line 8.

Strike: "51"

Insert: "52"

11. Page 50, line 19.

Strike: "51"

Insert: "50"

12. Page 51, line 5.

Strike: "51"

Insert: "52"

13. Page 51, line 12.

Strike: "51"

Insert: "52"

14. Page 51, line 20.

Following: "25"

Insert: ", "

Strike: "AND"

Following: "26"

Insert: ", and 30"

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15. Page 51, line 21.

Following: "25"

Insert: ", "

Strike: "AND"

Following: "26"

Insert: ", and 30"

16. Page 52, line 15.

Strike: "51"

Insert: "52"

17. Page A-3.

Following: line 6

Insert: "g. Local Disaster Grant Program
400,000" [general fund in FY 2010]

18. Page F-1, line 9.

Strike: "1,792,586 [FY 2010 General Fund]"

Insert: "1,392,586 [FY 2010 General Fund]"

Amendment **failed** as follows:

Yeas: Becker, Belcourt, Blewett, Boland, Caferro, Dickenson, Ebinger, Furey, Getz, Hamilton, Hands, McAlpin, McGillvray, More, Pease-Lopez, Phillips, Pomnichowski, Sales, Sonju, Van Dyk, Wiseman.

Total 21

Nays: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Fleming, French, Glaser, Grinde, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 77

Excused: Howard, Miller.

Total 2

Absent or not voting: None.

Total 0

HB 645 - Representative Sesso moved **HB 645**, second reading copy, be amended as follows:

1. Page 37, line 7.

Following: "PARKS"

Insert: "; debris removal"

2. Page 40, line 15.

Following: "REMOVAL"

Insert: "; debris removal"

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3. Page 42, line 17.

Following: "IMPROVEMENTS"

Insert: "; debris removal"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Boniek, Kerns, Morgan, O'Hara, Sonju, Stoker, Wagner.

Total 7

Excused: Howard, Miller.

Total 2

Absent or not voting: Welborn.

Total 1

Rep. More rose to address the bill and his comments were out of order.

Rep. Stoker rose on a point of personal privilege to object to Rep. More's comments.

HB 645 - Representative Sesso moved **HB 645**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 65

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 34

Excused: None.

Total 0

Absent or not voting: Boniek.

Total 1

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report

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adopted as follows:

Yeas: Ankney, Augare, Barrett, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 69

Nays: Arntzen, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Randall, Regier, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton.
Total 28

Excused: Howard, Miller.
Total 2

Absent or not voting: Himmelberger.
Total 1

Rep. More rose on a point of personal privilege to apologize to Rep. Stoker and Rep. Himmelberger for his comments earlier.

MOTIONS

Rep. Campbell moved to suspend the rules in order to place **HB 664** on 3rd reading for this the 67th legislative day.
Motion carried.

Rep. Campbell moved to suspend the rules in order to place **HB 645** on 3rd reading for this the 67th legislative day.
Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 52 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 78

Nays: B. Beck, Blasdel, Boniek, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, Mendenhall, More, Randall, Reichner, Sales, Smith, Sonju, Taylor, Vance, Wagner.
Total 19

Excused: Howard, Miller.
Total 2

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Absent or not voting: Wiseman.
Total 1

HB 110 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Boss Ribs, Brown, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Warburton, Wilmer, Wilson, Mr. Speaker.
Total 73

Nays: B. Beck, Berry, Blasdel, Boniek, Butcher, Caferro, Cohenour, Kerns, Lake, McGillvray, Mendenhall, Milburn, More, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Vincent, Wagner, Washburn, Welborn.
Total 24

Excused: Howard, Miller.
Total 2

Absent or not voting: Wiseman.
Total 1

HB 280 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Washburn, Wilmer, Wilson, Mr. Speaker.
Total 71

Nays: Bean, Bennett, Berry, Boniek, Butcher, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Randall, Regier, Reichner, Roberts, Sales, Smith, Stoker, Vance, Vincent, Wagner, Warburton, Welborn.
Total 26

Excused: Howard, Miller.
Total 2

Absent or not voting: Wiseman.
Total 1

HB 464 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock,

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Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 78

Nays: B. Beck, Bennett, Boniek, Brown, Caferro, Hawk, Hendrick, Ingraham, Kasten, Kerns, McGillvray, More, Morgan, Sales, Smith, Sonju, Stoker, Taylor, Vincent.

Total 19

Excused: Howard, Miller.

Total 2

Absent or not voting: Wiseman.

Total 1

HB 472 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Mr. Speaker.

Total 74

Nays: Bean, Bennett, Berry, Boniek, Brown, Butcher, Hawk, Himmelberger, Hollandsworth, Hoven, Ingraham, Kerns, Lake, Mendenhall, More, Regier, Reichner, Sales, Stoker, Taylor, Wagner, Warburton, Welborn.

Total 23

Excused: Howard, Miller.

Total 2

Absent or not voting: Wiseman.

Total 1

HB 562 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Mr. Speaker.

Total 87

Nays: B. Beck, Boniek, Kerns, McGillvray, Mendenhall, Randall, Sales, Sonju, Wagner, Welborn.

Total 10

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Excused: Howard, Miller.
Total 2

Absent or not voting: Wiseman.
Total 1

HB 578 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Wagner, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 78

Nays: Bennett, Berry, Blasdel, Brown, Hawk, Kerns, Lake, Nooney, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Taylor, Vance, Vincent, Warburton.
Total 19

Excused: Howard, Miller.
Total 2

Absent or not voting: Wiseman.
Total 1

HB 583 passed as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Mr. Speaker.
Total 67

Nays: Ankney, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Morgan, Pomnichowski, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Vance, Vincent, Wagner, Welborn.
Total 30

Excused: Howard, Miller.
Total 2

Absent or not voting: Wiseman.
Total 1

HB 634 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss

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Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 79

Nays: Bean, Bennett, Boniek, Brown, Butcher, Hawk, Ingraham, Kerns, Lake, Mendenhall, Peterson, Randall, Reichner, Sales, Smith, Stoker, Vance, Wagner.
Total 18

Excused: Howard, Miller.
Total 2

Absent or not voting: Wiseman.
Total 1

HB 644 passed as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hunter, Jopek, Kasten, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 61

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Boss, Ribbs, Brown, Butcher, Hawk, Hendrick, Hollandsworth, Hoven, Ingraham, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, More, Morgan, Peterson, Randall, Regier, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.
Total 35

Excused: Howard, Miller.
Total 2

Absent or not voting: Jones, Wiseman.
Total 2

HB 676 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Berry, Blewett, Boland, Boniek, Boss, Ribbs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 80

Nays: Becker, Bennett, Blasdel, Caferro, Ingraham, Kerns, Lake, McGillvray, Mendenhall, More, Randall, Sales,

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Smith, Sonju, Vance, Vincent, Wagner.
Total 17

Excused: Howard, Miller.
Total 2

Absent or not voting: Wiseman.
Total 1

HB 664 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Mr. Speaker.
Total 75

Nays: Bennett, Berry, Boniek, Brown, Glaser, Hawk, Ingraham, Kasten, Kerns, MacLaren, McGillvray, Mendenhall, More, Morgan, Peterson, Pomnichowski, Sales, Smith, Stoker, Vincent, Wagner, Welborn.
Total 22

Excused: Howard, Miller.
Total 2

Absent or not voting: Wiseman.
Total 1

HB 645 passed as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 64

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.
Total 33

Excused: Howard, Miller.
Total 2

Absent or not voting: Wiseman.
Total 1

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Rep. Wilson rose on a point of order to say that his button didn't work on third reading for HB 645 and that he wished to be recorded as a 'Yes' vote.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman): 3/26/2009
SB 388, do pass. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman): 3/26/2009
SB 290, be concurred in. Report adopted.
SB 403, be amended as follows:

1. Title, page 1, line 7 through line 8.

Strike: "AS" on line 7 through "ENERGY" on line 8

Insert: "TO OFFSET"

2. Title, page 1, line 9.

Following: "69-3-603"

Strike: ", "

Following: "~~69-3-604~~"

Insert: "AND"

Strike: "AND 69-3-2005,"

3. Page 2, line 26.

Strike: "In"

Insert: "Except as provided in subsection (5)(c)(i), in"

4. Page 2, line 29.

Strike: "As"

Insert: "Except as provided in subsection (5)(c)(ii), as"

Strike: ";

5. Page 2, line 30.

Strike: "(i)"

6. Page 3, line 1 through line 6.

Strike: ";

 on line 1 through "capacity" on line 6

7. Page 3, line 9.

Strike: "In"

Insert: "Except as provided in subsection (5)(c)(i), in"

8. Page 3, line 12.

Strike: "As"

Insert: "Except as provided in subsection (5)(c)(ii), as"

Strike: ";

9. Page 3, line 13.

Strike: "(A)"

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10. Page 3, line 14 through line 19.

Strike: "1" on line 14 through "capacity" on line 19

11. Page 3.

Following: line 29

Insert: "(c) (i) The standards established in subsections (3) and (4) are reduced annually by the amount of energy delivered to a utility by a qualifying small power production facility, as defined in 69-3-601, that is also an eligible renewable resource.

(ii) The standards established in subsections (3)(b) and (4)(b)(i) are reduced annually by the quantity of nameplate capacity of a qualifying small power production facility, as defined in 69-3-601, that is also an eligible renewable resource under contract to deliver electricity to a utility."

12. Page 4, line 4.

Strike: "except" through "(7)(c)."

13. Page 4, line 12 through line 19.

Strike: subsection (c) in its entirety

Insert: "(c) If a public utility purchases both the electricity and renewable energy credits from a qualifying small power production facility, the acquisition must be treated as a community renewable energy project pursuant to subsections (3)(b) and (4)(b)(i)."

14. Page 5, line 21 through page 6, line 30.

Strike: section 3 in its entirety

Renumber: subsequent sections

15. Page 7, line 10.

Strike: "[Sections 1, 2, and ~~4~~ 3]"

Insert: "[Sections 1 and 2]"

And, as amended, be concurred in. Report adopted.

SB 424, be concurred in. Report adopted.

SB 449, be amended as follows:

1. Page 3, line 11.

Following: "with"

Insert: "the Montana university system, including"

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman):

3/26/2009

SB 148, be amended as follows:

1. Title, line 9.

Following: "7-6-201,"

Insert: "7-6-4413,"

2. Title, line 11.

Following: "7-21-3212,"

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Insert: "7-33-2314,"

3. Page 3, line 26.

Strike: "amount" through "of the"

Following: "rate for"

Insert: "noncommercial, nonreceiptable"

4. Page 7, line 2.

Following: "resolution"

Insert: "pursuant to 7-6-4013"

5. Page 8.

Following: line 19

Insert: "**Section 15.** Section 7-6-4413, MCA, is amended to read:

"7-6-4413. Collection of taxes. (1) Except in the case of cities of the first, second, and third classes that provide by ordinance for the city treasurer to collect the taxes from the corrected property tax record, the county treasurer of each county shall collect the tax levied by all cities and towns in the respective county.

(2) The county treasurer shall collect the city or town taxes; ~~including unpaid road poll taxes,~~ at the same time as the state and county taxes and with the same penalties and interest in case of delinquency."

Renumber: subsequent sections

6. Page 14.

Following: line 25

Insert: "**Section 34.** Section 7-33-2314, MCA, is amended to read:

"7-33-2314. ~~Certain exemptions~~ Military exemption for firefighters. The officers and members of regularly organized unpaid fire companies and exempt firefighters are entitled to ~~the following privileges and exemptions:~~

~~—— (1) exemption from payment of poll tax, road tax, and head tax of every description;~~

~~—— (2) exemption from military duty except in case of war, invasion, or insurrection."~~

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

TAXATION (Lake, Chairman):

3/26/2009

HB 658, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "CHANGING THE TAXABLE RATE OF"

Insert: "PHASING IN CHANGES TO THE TAX RATES FOR"

Following: "CLASS"

Insert: "THREE AND"

Following: "PROPERTY;"

Insert: "INCREASING THE MARKET VALUE AMOUNT AND THE INCOME ELIGIBILITY REQUIREMENTS FOR THE PROPERTY TAX ASSISTANCE PROGRAM;"

2. Title, page 1, line 10 through line 16.

Strike: "CHANGING" on line 10 through "RENTAL HOMES" on line 16

Insert: "REVISING THE PROVISIONS RELATED TO MITIGATING EXTRAORDINARY INCREASES IN RESIDENTIAL MARKET VALUE; REVISING THE PROPERTY TAX EXEMPTION FOR DISABLED VETERANS"

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3. Title, page 1, line 18.

Strike: "CLARIFYING"

Insert: "PROVIDING"

4. Title, page 1, line 19.

Following: "LAND;"

Insert: "REVISING THE DETERMINATION OF THE CAPITALIZATION RATE FOR THE VALUATION OF FOREST LANDS; INCREASING THE ELIGIBILITY INCOME REQUIREMENTS AND BENEFIT AMOUNTS FOR THE RESIDENTIAL PROPERTY TAX CREDIT FOR THE ELDERLY;"

5. Title, page 1, line 22.

Strike: "2-15-122" through "15-6-133,"

Following: "15-6-193,"

Insert: "15-6-211,"

6. Title, page 1, line 23.

Strike: "15-16-102,"

Insert: "15-30-171, 15-30-172, 15-30-176, AND"

Strike: "47-1-111, AND 53-6-1001,"

7. Title, page 1, line 23 through line 24.

Strike: "REPEALING" on line 23 through "MCA;" on line 25

8. Page 1, line 24 through page 24, line 4.

Strike: everything after the enacting clause

Insert: "Section 1. Section 15-6-134, MCA, is amended to read:

"15-6-134. Class four property -- description -- taxable percentage. (1) Class four property includes:

(a) subject to 15-6-222 and subsections (1)(f) and (1)(g) of this section, all land, except that specifically included in another class;

(b) subject to 15-6-222 and subsections (1)(f) and (1)(g) of this section, all improvements, including trailers, manufactured homes, or mobile homes used as a residence, except those specifically included in another class;

(c) the first ~~\$100,000~~ \$119,000 or less of the taxable market value of any improvement on real property, including trailers, manufactured homes, or mobile homes, and appurtenant land not exceeding 5 acres owned or under contract for deed and actually occupied for at least 7 months a year as the primary residential dwelling of any person whose total income from all sources, including net business income and otherwise tax-exempt income of all types but not including social security income paid directly to a nursing home, is not more than \$15,000 for a single person or \$20,000 for a married couple or a head of household, as adjusted according to subsection (2)(b)(ii). For the purposes of this subsection (1)(c), net business income is gross income less ordinary operating expenses but before deducting depreciation or depletion allowance, or both.

(d) all golf courses, including land and improvements actually and necessarily used for that purpose, that consist of at least nine holes and not less than 700 lineal yards;

(e) subject to 15-6-222(1), all improvements on land that is eligible for valuation, assessment, and taxation as agricultural land under 15-7-202, including 1 acre of real property beneath improvements on land described in 15-6-133(1)(c). The 1 acre must be valued at market value.

(f) (i) single-family residences, including trailers, manufactured homes, or mobile homes;

(ii) rental multifamily dwelling units;

(iii) appurtenant improvements to the residences or dwelling units, including the parcels of land upon which the residences and dwelling units are located and any leasehold improvements; and

(iv) vacant residential lots; and

(g) (i) commercial buildings and the parcels of land upon which they are situated; and

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- (ii) vacant commercial lots.
- (2) Class four property is taxed as follows:
- (a) Except as provided in 15-24-1402, 15-24-1501, and 15-24-1502, property described in subsections (1)(a), (1)(b), and (1)(e) through (1)(g) of this section is taxed at:
- (i) ~~3.22%~~ 2.85% of its taxable market value in tax year ~~2005~~ 2009;
- (ii) ~~3.14%~~ 2.7% of its taxable market value in tax year ~~2006~~ 2010;
- (iii) ~~3.07%~~ 2.57% of its taxable market value in tax year ~~2007~~ 2011;
- (iv) 2.45% of its taxable market value in tax year 2012;
- (v) 2.35% of its taxable market value in tax year 2013; and
- ~~(iv)(vi)~~ (vi) ~~3.01%~~ 2.25% of its taxable market value in tax years after ~~2007~~ 2013.
- (b) (i) Property qualifying under the property tax assistance program in subsection (1)(c) is taxed at the rate provided in subsection (2)(a) of its taxable market value multiplied by a percentage figure based on income and determined from the following table:

Income Single Person	Income Married Couple Head of Household	Percentage Multiplier
\$0 - \$6,000 <u>\$0 - \$10,000</u>	\$0 - \$8,000 <u>\$0 - \$13,000</u>	20%
\$6,001 - \$9,200 <u>\$10,001 - \$14,000</u>	\$8,001 - \$14,000 <u>\$13,001 - \$19,000</u>	50%
\$9,201 - \$15,000 <u>\$14,001 - \$19,000</u>	\$14,001 - \$20,000 <u>\$19,001 - \$25,000</u>	70%

- (ii) The income levels contained in the table in subsection (2)(b)(i) must be adjusted for inflation annually by the department. The adjustment to the income levels is determined by:
- (A) multiplying the appropriate dollar ~~amount~~ amounts in subsection (1)(c) and from the table in subsection (2)(b)(i) by the ratio of the PCE for the second quarter of the year prior to the year of application to the PCE for the second quarter of 1995; and
- (B) rounding the product thus obtained to the nearest whole dollar amount.
- (iii) "PCE" means the implicit price deflator for personal consumption expenditures as published quarterly in the Survey of Current Business by the bureau of economic analysis of the U.S. department of commerce.
- (c) Property described in subsection (1)(d) is taxed at one-half the taxable percentage rate established in subsection (2)(a).
- (3) The department shall mail a notice of the property tax assistance program and qualification requirements and an application to each taxpayer who, under records of the department, is likely to qualify for the property tax assistance provided under this section.

~~(3)(4)~~ Within the meaning of comparable property, as defined in 15-1-101, property assessed as commercial property is comparable only to other property assessed as commercial property and property assessed as other than commercial property is comparable only to other property assessed as other than commercial property."

Insert: "Section 2. Section 15-6-143, MCA, is amended to read:

"15-6-143. Class ten property -- description -- taxable percentage. (1) Class ten property includes all forest lands as defined in 15-44-102.

(2) Class ten property ~~is taxed at 0.79% of its forest productivity value in tax year 1999, and the rate is reduced by 0.11% each year until the property is taxed at:~~

- (a) for tax year 2009, 0.35% 0.32% of its forest productivity value;
- (b) for tax year 2010, 0.3% of its forest productivity value;
- (c) for tax year 2011, 0.28% of its forest productivity value;
- (d) for tax year 2012, 0.26% of its forest productivity value;
- (e) for tax year 2013, 0.24% of its forest productivity value; and
- (f) for tax years after 2013, 0.23% of its forest productivity value."

Insert: "Section 3. Section 15-6-193, MCA, is amended to read:

"15-6-193. Extended property tax assistance -- phasein. (1) For the purpose of mitigating extraordinary market value increases during revaluation cycles ~~that begin after December 31, 2008~~, the rate of taxation of class four residential dwellings and appurtenant land not to exceed 5 acres otherwise set in 15-6-134(2)(a) is adjusted in this section for properties with extraordinary increases in market value with owners that meet income requirements.

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(2) An annual application on a form provided by the department is required to receive a tax rate adjustment under this section. The application must be signed under oath. A tax rate adjustment may be granted only for the current tax year and may not be granted for a previous year.

(3) A rate adjustment may not be granted for:

(a) any property that was sold or for which the ownership was changed after December 31 of the last year of the previous revaluation cycle unless the change in ownership is between husband and wife or parent and child with only nominal actual consideration or the change is pursuant to a divorce decree;

(b) the value of new construction, including remodeling, on the property occurring after December 31 of the last year of the previous revaluation cycle that is greater than 25% of the market value of the improvements; or

(c) a land use change occurring after December 31 of the last year of the previous revaluation cycle that increases the market value of the land by more than 25%.

(4) For the purposes of determining the adjustment in the class four property tax rate in this section, the following provisions apply ~~for revaluation cycles beginning after December 31, 2008:~~

(a) (i) The percentage increase in taxable value is measured as the percentage change in taxable value before reappraisal to the taxable value after reappraisal. The taxable value before reappraisal is calculated by multiplying the value before reappraisal times the result of 1.00 minus the homestead exemption before reappraisal times the tax rate before reappraisal. The taxable value after reappraisal is calculated by multiplying the market value after reappraisal times the result of 1.00 minus the homestead exemption after reappraisal times the tax rate after reappraisal.

(ii) The tax rate before reappraisal is the tax rate that was in effect during the last year of the previous reappraisal cycle.

(iii) The tax rate after reappraisal is the tax rate that will be in effect during the last year of the current reappraisal cycle.

(iv) The homestead exemption before reappraisal is the homestead exemption that was in effect during the last year of the previous reappraisal cycle.

(v) The homestead exemption after reappraisal is the homestead exemption that will be in effect during the last year of the current reappraisal cycle.

(b) The dollar increase in tax liability is measured as the percentage change in tax liability before reappraisal to the tax liability after reappraisal. The tax liability before reappraisal is calculated by multiplying the value before reappraisal times the result of 1.00 minus the homestead exemption before reappraisal times the tax rate before reappraisal times the mill levy applied to the property before reappraisal. The tax liability after reappraisal is calculated by multiplying the market value after reappraisal times the result of 1.00 minus the homestead exemption after reappraisal times the tax rate after reappraisal times the mill levy applied to the property before reappraisal. The mill levy applied to the property before reappraisal is the total of all mills applied to the property in the last year of the previous reappraisal cycle.

(c) Total household income is the sum of the income of all members of the household and all other persons who are owners of the property. Income, as used in this section, includes income from all sources, including net business income and otherwise tax-exempt income of all types but not including social security income paid directly to a nursing home. Net business income is gross income less ordinary expenses but before deducting depreciation or depletion allowance, or both. For an entity, as defined in subsection (8), income also includes the income of any natural person or entity that is a trustee of or controls 25% or more of the entity. A household is an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses. For single-family rental dwellings, total household income does not include the income of the tenant.

(d) The phase-in value is the valuation change made pursuant to 15-7-111~~(3)~~(5) since the last reappraisal.

(5) (a) If total household income is ~~\$25,000~~ \$28,500 or less, the percentage increase in taxable value is greater than ~~24%~~ 55%, and the dollar increase in taxable liability is ~~\$250~~ \$100 or greater, then the property qualifies for an adjusted tax rate. The adjusted tax rate must be calculated ~~such so~~ that the total increase in taxable value over the reappraisal cycle is ~~24%~~ 55% and ~~such so~~ that the change in taxable value is phased in over the reappraisal cycle in equal increments.

(b) If total household income is greater than ~~\$25,000~~ \$28,500 but less than or equal to ~~\$50,000~~ \$57,000, the percentage increase in taxable value is greater than ~~30%~~ 60%, and the dollar increase in taxable liability is ~~\$250~~ \$150 or greater, then the property qualifies for an adjusted tax rate. The adjusted tax rate must be calculated ~~such so~~

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that the total increase in taxable value over the reappraisal cycle is ~~30%~~ 60% and ~~such so~~ that the change in taxable value is phased in over the reappraisal cycle in equal increments.

(c) If total household income is greater than ~~\$50,000~~ \$57,000 but less than or equal to ~~\$75,000~~ \$85,500, the percentage increase in taxable value is greater than ~~30%~~ 60%, and the dollar increase in taxable liability is ~~\$250~~ \$200 or greater, then the property qualifies for an adjusted tax rate. The adjusted tax rate will be calculated ~~such so~~ that the total increase in taxable value over the reappraisal cycle is ~~36%~~ 60% and ~~such so~~ that the change in taxable value is phased in over the reappraisal cycle in equal increments.

(d) The adjusted tax rate computed under this subsection (5) must be rounded to the nearest 1/100 of 1%.

(6) (a) A person who applies for a tax rate adjustment under this section shall provide the department with documentation of total household income and other information that the department considers necessary to determine the person's eligibility for the tax rate adjustment. Documents provided to the department to determine eligibility for a tax rate adjustment are subject to the confidentiality provisions in 15-30-303.

(b) The department shall mail a notice of the property tax assistance program and qualification requirements and an application to each taxpayer who, under records of the department, is likely to qualify for the property tax assistance provided under this section.

(7) A person who applies for a tax rate adjustment and submits a false or fraudulent application for a tax rate adjustment is guilty of false swearing under 45-7-202.

(8) For the purposes of this section, "entity" means:

(a) a corporation, fiduciary, or pass-through entity, as those terms are defined in 15-30-101; and

(b) an association, joint-stock company, syndicate, trust or estate, or any other nonnatural person. ""

Insert: "Section 4. Section 15-6-211, MCA, is amended to read:

"15-6-211. Certain disabled or deceased veterans' residences exempt. (1) A residence and appurtenant land, not to exceed 5 acres, on which it is built that is owned and occupied by a veteran or a veteran's spouse is exempt from property taxation if the veteran:

(a) was killed while on active duty or died as a result of a service-connected disability; or

(b) if living:

(i) was honorably discharged from active service in any branch of the armed services; and

(ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability, as verified by official documentation from the U.S. department of veterans affairs.

(2) Property qualifying under subsection (1) is taxed at the rate provided in 15-6-134(2)(a) multiplied by a percentage figure based on income and determined from the following table:

Income		Percentage
Single Person	Married Couple	Multiplier
\$0 - \$30,000	\$0 - \$36,000	0%
\$30,001 - \$33,000	\$36,001 - \$39,000	20% <u>15%</u>
\$33,001 - \$36,000	\$39,001 - \$42,000	30% <u>25%</u>
\$36,001 - \$39,000	\$42,001 - \$45,000	50% <u>40%</u>

(3) The property tax exemption under this section remains in effect as long as the property is the primary residence owned and occupied by the veteran or, if the veteran is deceased, by the veteran's spouse and the spouse:

(a) is the owner and occupant of the house;

(b) is unmarried; and

(c) has obtained from the U.S. department of veterans affairs a letter indicating that the veteran was rated 100% disabled or was paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability at the time of death or that the veteran died while on active duty or as a result of a service-connected disability.

(4) Property qualifying under subsection (3) is taxed at the rate provided in 15-6-134(2)(a) multiplied by a percentage figure based on income and determined from the following table:

Income	Percentage
Surviving Spouse	Multiplier
\$0 - \$25,000	0%

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\$25,001 - \$28,000	20% <u>15%</u>
\$28,001 - \$31,000	30% <u>25%</u>
\$31,001 - \$34,000	50% <u>40%</u>

(5) For the purposes of the exemption under this section, the income referred to in subsections (2) and (4) is the taxpayer's federal adjusted gross income, as reported on the latest federal income tax return.

(6) (a) The income levels contained in the tables in subsections (2) and (4) must be adjusted for inflation annually by the department. The adjustment to the income levels is determined by:

(i) multiplying the appropriate dollar amount from the table by the ratio of the PCE for the second quarter of the year prior to the year of application to the PCE for the second quarter of 2002; and

(ii) rounding the product obtained in subsection (6)(a)(i) to the nearest dollar amount.

(b) "PCE" means the implicit price deflator for personal consumption expenditures as published quarterly in the Survey of Current Business by the bureau of economic analysis of the U.S. department of commerce."

Insert: "Section 5. Section 15-6-222, MCA, is amended to read:

"15-6-222. Residential and commercial improvements -- percentage of value exempt. (1) The following percentage of the market value of residential property described in 15-6-134(1)(e) and (1)(f) is exempt from property taxation:

(a) ~~32%~~ 35.9% for tax year ~~2005~~ 2009;

(b) ~~32.6%~~ 37.4% for tax year ~~2006~~ 2010;

(c) ~~33.2%~~ 38.7% for tax year ~~2007~~ 2011;

(d) 39.9% for tax year 2012;

(e) 41.1% for tax year 2013;

~~(d)(f)~~ 34% 42% for tax year ~~2008~~ 2014 and succeeding tax years.

(2) The following percentage of the market value of commercial property described in 15-6-134(1)(g) is exempt from property taxation:

(a) ~~13.8%~~ 15.3% for tax year ~~2005~~ 2009;

(b) ~~14.2%~~ 15.5% for tax year ~~2006~~ 2010;

(c) ~~14.6%~~ 15.7% for tax year ~~2007~~ 2011;

(d) 15.9% for tax year 2012;

(e) 16.4% for tax year 2013;

~~(d)(f)~~ 15% 16.6% for tax year ~~2008~~ 2014 and succeeding tax years."

Insert: "Section 6. Section 15-7-111, MCA, is amended to read:

"15-7-111. Periodic revaluation of certain taxable property. (1) The department shall administer and supervise a program for the revaluation of all taxable property within classes three, four, and ten. All other property must be revalued annually.

(2) The department shall value and phase in the value of newly constructed, remodeled, or reclassified property in a manner consistent with the valuation within the same class and the values established pursuant to subsection (1). The department shall adopt rules for determining the assessed valuation and phased-in value of new, remodeled, or reclassified property within the same class.

(3) The revaluation of class three, four, and ten property is complete on December 31, 2008. The amount of the change in valuation from the 2002 base year for each property in classes three, four, and ten must be phased in each year at the rate of 16.66% of the change in valuation.

(4) During the end of the second and fourth year of each revaluation cycle, the department shall provide the revenue and transportation interim committee with a sales assessment ratio study of residences to be used to allow the committee to be apprised of the housing market and value trends.

~~(3)(5)~~ (5) The department of revenue shall administer and supervise a program for the revaluation of all taxable property within classes three, four, and ten. A comprehensive written reappraisal plan must be promulgated by the department. The reappraisal plan adopted must provide that all class three, four, and ten property in each county is revalued by January 1, ~~2009~~ 2015, effective for January 1, ~~2009~~ 2015, and each succeeding 6 years. The resulting valuation changes must be phased in for each year until the next reappraisal. If a percentage of change for each year is not established, then the percentage of phasein for each year is 16.66%."

Insert: "Section 7. Section 15-7-201, MCA, is amended to read:

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"15-7-201. Legislative intent -- value of agricultural property. (1) Because the market value of many agricultural properties is based upon speculative purchases that do not reflect the productive capability of agricultural land, it is the legislative intent that bona fide agricultural properties be classified and assessed at a value that is exclusive of values attributed to urban influences or speculative purposes.

(2) Agricultural land must be classified according to its use, which classifications include but are not limited to irrigated use, nonirrigated use, and grazing use.

(3) Within each class, land must be subclassified by production categories. Production categories are determined from the productive capacity of the land based on yield.

(4) In computing the agricultural land valuation schedules to take effect on the date when each revaluation cycle takes effect pursuant to 15-7-111, the department of revenue shall determine the productive capacity value of all agricultural lands using the formula $V = I/R$ where:

(a) V is the per-acre productive capacity value of agricultural land in each land use and production category;

(b) I is the per-acre net income of agricultural land in each land use and production category and is to be determined as provided in subsection (5); and

(c) R is the capitalization rate and, unless the advisory committee recommends a different rate and the department adopts the recommended capitalization rate by rule, is equal to 6.4%. This capitalization rate must remain in effect until the next revaluation cycle.

(5) (a) Net income must be determined separately in each land use based on production categories.

(b) Net income must be based on commodity price data, which may include grazing fees, crop and livestock share arrangements, cost of production data, and water cost data for the base period using the best available data.

(i) Commodity price data and cost of production data for the base period must be obtained from the Montana Agricultural Statistics, the Montana crop and livestock reporting service, and other sources of publicly available information if considered appropriate by the advisory committee.

(ii) Crop share and livestock share arrangements are based on typical agricultural business practices and average landowner costs.

(iii) Allowable water costs consist only of the per-acre labor costs, energy costs of irrigation, and, unless the advisory committee recommends otherwise and the department adopts the recommended cost by rule, a base water cost of ~~\$5.50~~ \$15 for each acre of irrigated land. Total allowable water costs may not exceed \$40 for each acre of irrigated land. Labor and energy costs must be determined as follows:

(A) Labor costs are ~~zero~~ \$5 an acre for pivot sprinkler irrigation systems; ~~\$4.50~~ \$10 an acre for tow lines, side roll, and lateral sprinkler irrigation systems; and ~~\$9~~ \$15 an acre for hand-moved and flood irrigation systems.

(B) Energy costs must be based on per-acre energy costs incurred in the energy cost base year, which is the calendar year immediately preceding the year specified by the department in 15-7-103(5). By July 1 of the year following the energy cost base year, an owner of irrigated land shall provide the department, on a form prescribed by the department, with energy costs incurred in that energy cost base year. In the event that no energy costs were incurred in the energy cost base year, the owner of irrigated land shall provide the department with energy costs from the most recent year available. The department shall adjust the most recent year's energy costs to reflect costs in the energy cost base year.

(c) The base crop for valuation of irrigated land is ~~alfalfa hay~~ spring wheat from summer fallow farm land, adjusted to 80% of sales price; and the base crop for valuation of nonirrigated land is spring wheat. The base unit for valuation of grazing lands is animal unit months (AUM), defined as the average monthly requirement of pasture forage to support a 1,000-pound cow with a calf or its equivalent.

(d) Unless the advisory committee recommends a different base period and the department adopts the recommended base period by rule, the base period used to determine net income must be the most recent 7 years for which data is available prior to the date the revaluation cycle ends. Unless the advisory committee recommends a different averaging method and the department adopts the recommended averaging method by rule, data referred to in subsection (5)(b) must be averaged, but the average must exclude the lowest and highest yearly data in the period.

(6) The department shall compile data and develop valuation manuals adopted by rule to implement the valuation method established by subsections (4) and (5).

(7) The governor shall appoint an advisory committee of persons knowledgeable in agriculture and agricultural economics. The advisory committee shall include one member of the Montana state university-Bozeman,

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college of agriculture, staff. The advisory committee shall:

- (a) compile and review data required by subsections (4) and (5);
- (b) recommend to the department any adjustments to data or to landowners' share percentages if required by changes in government agricultural programs, market conditions, or prevailing agricultural practices;
- (c) recommend appropriate base periods and averaging methods to the department;
- (d) evaluate the appropriateness of the capitalization rate and recommend a rate to the department;
- (e) verify for each class of land that the income determined in subsection (5) reasonably approximates that which the average Montana farmer or rancher could have attained; and
- (f) recommend agricultural land valuation schedules to the department. With respect to irrigated land, the recommended value of irrigated land may not be below the value that the land would have if it were not irrigated."

Insert: "Section 8. Section 15-30-171, MCA, is amended to read:

"15-30-171. Residential property tax credit for elderly -- definitions. As used in 15-30-171 through 15-30-179, the following definitions apply:

- (1) "Claim period" means the tax year for individuals required to file Montana individual income tax returns and the calendar year for individuals not required to file returns.
- (2) "Claimant" means a person who is eligible to file a claim under 15-30-172.
- (3) "Department" means the department of revenue.
- (4) "Gross household income" means all income received by all individuals of a household while they are members of the household.
- (5) "Gross rent" means the total rent in cash or its equivalent actually paid during the claim period by the renter or lessee for the right of occupancy of the homestead pursuant to an arm's-length transaction with the landlord.
- (6) "Homestead" means:
 - (a) a single-family dwelling or unit of a multiple-unit dwelling that is subject to property taxes in Montana and as much of the surrounding land, but not in excess of 1 acre, as is reasonably necessary for its use as a dwelling; or
 - (b) a single-family dwelling or unit of a multiple-unit dwelling that is rented from a county or municipal housing authority as provided in Title 7, chapter 15.
- (7) (a) "Household" means an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses.
 - (b) The term does not include bona fide lessees, tenants, or roomers and boarders on contract.
- (8) "Household income" means the amount obtained by subtracting ~~\$6,300~~ \$7,850 from gross household income.
- (9) (a) "Income" means, except as provided in subsection (9)(b), federal adjusted gross income, without regard to loss, as that quantity is defined in the Internal Revenue Code of the United States, plus all nontaxable income, including but not limited to:
 - (i) the amount of any pension or annuity, including Railroad Retirement Act benefits and veterans' disability benefits;
 - (ii) the amount of capital gains excluded from adjusted gross income;
 - (iii) alimony;
 - (iv) support money;
 - (v) nontaxable strike benefits;
 - (vi) cash public assistance and relief;
 - (vii) interest on federal, state, county, and municipal bonds; and
 - (viii) all payments received under federal social security except social security income paid directly to a nursing home.
- (b) For the purposes of this subsection (9), income is reduced by the taxpayer's basis.
- (10) "Property tax billed" means taxes levied against the homestead, including special assessments and fees but excluding penalties or interest during the claim period.
- (11) "Rent-equivalent tax paid" means 15% of the gross rent."

Insert: "Section 9. Section 15-30-172, MCA, is amended to read:

"15-30-172. Residential property tax credit for elderly -- eligibility. (1) In order to be eligible to make

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a claim under 15-30-171 through 15-30-179, an individual:

- (a) must have reached age 62 or older during the claim period for which relief is sought;
- (b) must have resided in Montana for at least 9 months of that period;
- (c) must have occupied one or more dwellings in Montana as an owner, renter, or lessee for at least 6 months of the claim period; and
- (d) must have less than ~~\$45,000~~ \$48,300 of gross household income.

(2) A person is not disqualified as a claimant if the person changes residences during the claim period, provided that the person occupies one or more dwellings in Montana as an owner, renter, or lessee for at least 6 months during the claim period.

(3) The department shall mail a notice of the credit and qualification requirements to each taxpayer who, under records of the department, is likely to qualify for the credit provided for in 15-30-171 through 15-30-179."

Insert: "Section 10. Section 15-30-176, MCA, is amended to read:

"15-30-176. Residential property tax credit for elderly -- computation of relief. The amount of the tax credit granted under the provisions of 15-30-171 through 15-30-179 is computed as follows:

- (1) In the case of a claimant who owns the homestead for which a claim is made, the credit is the amount of property tax billed less the deduction specified in subsection (4).
- (2) In the case of a claimant who rents the homestead for which a claim is made, the credit is the amount of rent-equivalent tax paid less the deduction specified in subsection (4).
- (3) In the case of a claimant who both owns and rents the homestead for which a claim is made, the credit is:

- (a) the amount of property tax billed on the owned portion of the homestead less the deduction specified in subsection (4); plus

- (b) the amount of rent-equivalent tax paid on the rented portion of the homestead less the deduction specified in subsection (4).

- (4) Property tax billed and rent-equivalent tax paid are reduced according to the following schedule:

Household income	Amount of reduction
\$0 - \$999 <u>\$0</u>	
\$1,000 - \$1,999 <u>\$2,120</u> <u>\$0</u>	
\$2,000 <u>\$2,121</u> - \$2,999 <u>\$3,250</u>	the product of .006 times the household income
\$3,000 <u>\$3,251</u> - \$3,999 <u>\$4,340</u>	the product of .016 times the household income
\$4,000 <u>\$4,341</u> - \$4,999 <u>\$5,420</u>	the product of .024 times the household income
\$5,000 <u>\$5,421</u> - \$5,999 <u>\$6,500</u>	the product of .028 times the household income
\$6,000 <u>\$6,501</u> - \$6,999 <u>\$7,600</u>	the product of .032 times the household income
\$7,000 <u>\$7,601</u> - \$7,999 <u>\$8,700</u>	the product of .035 times the household income
\$8,000 <u>\$8,701</u> - \$8,999 <u>\$9,800</u>	the product of .039 times the household income
\$9,000 <u>\$9,801</u> - \$9,999 <u>\$10,900</u>	the product of .042 times the household income
\$10,000 <u>\$10,901</u> - \$10,999 <u>\$11,900</u>	the product of .045 times the household income
\$11,000 <u>\$11,901</u> - \$11,999 <u>\$13,000</u>	the product of .048 times the household income
\$12,000 <u>\$13,001</u> <u>& over or more</u>	the product of .050 times the household income

(5) For a claimant whose household income is ~~\$35,000~~ \$38,000 or more but less than ~~\$45,000~~ \$48,300, the amount of the credit is equal to the credit calculated under this section multiplied by the decimal equivalent of a percentage figure according to the following table:

Gross household income	Percentage of credit allowed
\$35,000 <u>\$38,000</u> - \$37,500 <u>\$40,700</u>	40%
\$37,501 <u>\$40,701</u> - \$40,000 <u>\$43,400</u>	30%
\$40,001 <u>\$43,401</u> - \$42,500 <u>\$46,000</u>	20%
\$42,501 <u>\$46,001</u> - \$44,999 <u>\$48,299</u>	10%
\$45,000 <u>\$48,300</u> or more	0%

- (6) The credit granted may not exceed ~~\$1,000~~ \$1,085."

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Insert: "Section 11. Section 15-44-103, MCA, is amended to read:

"15-44-103. Legislative intent -- value of forest lands -- valuation zones. (1) In order to encourage landowners of private forest lands to retain and improve their holdings of forest lands, to promote better forest practices, and to encourage the investment of capital in reforestation, forest lands must be classified and assessed under the provisions of this section.

(2) The forest productivity value of forest land must be determined by:

(a) capitalizing the value of the mean annual net wood production at the culmination of mean annual increment plus other agriculture-related income, if any; less

(b) annualized expenses, including but not limited to the establishment, protection, maintenance, improvement, and management of the crop over the rotation period.

(3) To determine the forest productivity value of forest lands, the department shall:

(a) divide the state into appropriate forest valuation zones, with each zone designated so as to recognize the uniqueness of marketing areas, timber types, growth rates, access, operability, and other pertinent factors of that zone; and

(b) establish a uniform system of forest land classification that takes into consideration the productive capacity of the site to grow forest products and furnish other associated agricultural uses.

(4) In computing the forest land valuation schedules for each forest valuation zone ~~to take effect on January 1, 1994~~, the department shall determine the productive capacity value of all forest lands in each forest valuation zone using the formula $V = I/R$, where:

(a) V is the per-acre forest productivity value of the forest land;

(b) I is the per-acre net income of forest lands in each valuation zone and is determined by the department using the formula $I = (M \times SV) + AI - C$, where:

(i) I is the per-acre net income;

(ii) M is the mean annual net wood production;

(iii) SV is the stumpage value;

(iv) AI is the per-acre agriculture-related income; and

(v) C is the per-unit cost of the forest product and agricultural product produced, if any; and

(c) R is the capitalization rate determined by the department as provided in subsection (6).

(5) Net income must:

(a) be calculated for each year of a base period, which is the most recent 5-year period for which data is available;

(b) be based on a rolling average of stumpage value of timber harvested within the forest valuation zone and on the associated production cost data for the base period from sources considered appropriate by the department; and

(c) include agriculture-related net income for the same time period as the period used to determine average stumpage values.

(6) The capitalization rate must be calculated for each year of the base period and is the annual average interest rate on agricultural loans as reported by the Northwest farm credit services, agricultural credit association of Spokane, Washington, plus the effective tax rate. However, the capitalization rate for each year of the base period may not be less than 8%.

(7) The effective tax rate must be calculated for each year of the base period by dividing the total estimated tax due on forest lands subject to the provisions of this section by the total forest value of those lands.

(8) For the purposes of this section, if forest service sales are used in the determination of stumpage values, the department shall take into account purchaser road credits.

(9) In determining the forest productivity value of forest lands and in computing the forest land valuation schedules, the department shall use information and data provided by the university of Montana-Missoula.

(10) (a) There is a forest lands taxation advisory committee consisting of:

(i) four members with expertise in forest matters, one appointed by the majority leader of the senate, one by the minority leader of the senate, one by the majority leader of the house of representatives, and one by the minority leader of the house of representatives; and

(ii) three members appointed by the governor, one who is an industrial forest landowner, one who is a nonindustrial forest landowner, and one who is a county commissioner.

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- (b) The terms of the members expire on December 31 of each even-numbered year.
- (c) The advisory committee shall:
 - (i) review data required by subsections (2) through (6), (8), and (9), including data on productivity value, stumpage value, wood production, capitalization rate, net income, and agriculture-related income;
 - (ii) recommend to the department any adjustments to data if required by changes in government forest land programs, market conditions, or prevailing forest lands practices;
 - (iii) recommend appropriate base periods and averaging methods to the department;
 - (iv) verify for each forest valuation zone and forest land classification under subsection (3) that the income determined in subsection (5) reasonably approximates that which the average Montana forest landowner could have attained; and
 - (v) recommend forest land valuation schedules to the department."

Insert: "NEW SECTION. Section 12. Effective date. [This act] is effective on passage and approval."

Insert: "NEW SECTION. Section 13. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2008."

And, as amended, do pass. Report adopted.

TRANSPORTATION (Sonju, Chairman):

3/26/2009

HB 615, introduced bill, be amended as follows:

1. Page 1, line 20.

Following: "and"

Strike: "61-6-135"

Insert: "61-6-134"

2. Page 1, line 26 through line 27.

Following: "standards" on line 26

Strike: ", with" through "department" one line 27

3. Page 2, line 1 through line 2.

Following: "personnel," on line 1

Strike: "and" through "department" on line 13

Insert: "county treasurers, and authorized agents under the provisions of 61-3-116"

4. Page 2, line 4.

Following: "(e)" on line 4

Strike: "include" through "department" on line 5

Insert: "receive insurance data file transfers from insurers under specifications and standards set forth in subsection (3)(a) to identify vehicles that are not covered by an insurance policy"

5. Page 2, line 11.

Following: "week,"

Insert: "subject to reasonable allowances for scheduled maintenance or temporary system failures,"

6. Page 2, line 13.

Following: "period"

Insert: "of not less than 6 months"

7. Page 2, line 17.

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Following: "coverage for"

Insert: ": (a)"

8. Page 2, line 18.

Following: the first "in this state"

Insert: "; and (b) if available, for a vehicle that is insured by that company"

Following: the second "in this state"

Insert: "and that is the subject of an accident investigation"

9. Page 2, line 24 through line 25.

Following: the first "vehicle" on line 24

Strike: ", an operator" through "accident" on line 25

10. Page 2, line 25.

Following: "by"

Strike: "or has"

11. Page 2, line 27.

Following: "(2)"

Insert: "(a)"

Strike: "The"

Insert: "Except as provided in subsection (2)(b), the"

12. Page 2, line 30.

Insert: "(b) Subsection (2)(a) does not apply if the vehicle is:

(i) covered under a commercial automobile insurance coverage policy;

(ii) part of a self-insured fleet as provided in 61-6-143; or

(iii) included in an insurance binder, as allowed by 33-15-411, that has not been entered into the system.

(3) Except upon reasonable cause to believe that a driver has violated another traffic regulation or that the driver's vehicle is unsafe or not equipped as required by law, a peace officer may not use the verification system to stop a driver for operating a motor vehicle in violation of 61-6-301."

13. Page 11, line 1.

Following: "apply:"

Insert: "(1) "Commercial automobile insurance coverage" means any coverage provided to an insured, regardless of number of vehicles or entities covered, under a commercial, garage, or truckers coverage form and rated from a commercial manual or rating rule. Vehicle type and ownership are not the primary factors in underwriting the coverage or rating the coverage. The rating may be subject to individual risk characteristics, including but not limited to experience rating, schedule rating, loss rating, or deductible rating."

Renumber: subsequent subsections

14. Page 11.

Following: line 12

Insert: "(5) "Low-volume insurer" means an insurer that provides motor vehicle liability policies for fewer than 500 vehicles in this state."

15. Page 14, line 17.

Following: the second "department" on line 17

Insert: "that are consistent with specifications and standards of the insurance industry committee on motor vehicle

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administration and other applicable industry standards"

16. Page 15, line 2 through line 5.

Strike: subsection (e) in its entirety

Renumber: subsequent subsections

17. Page 15, line 6 through line 7.

Following: "periodic" on line 6

Strike: "batch" on line 6 through "noncompliance" on line 7

Insert: "insurance data file transfers from insurers under specifications and standards set forth in [section 1] to identify vehicles that are not covered by an insurance policy and to monitor ongoing compliance"

18. Page 15, line 11.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

19. Page 15, line 20.

Following: "61-6-301."

Insert: "If the card is issued under a commercial automobile insurance policy or a self-insured fleet, the card must indicate the status as "commercially insured" or "fleet"."

And, as amended, do pass. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:33 p.m., Friday, March 27, 2009. Motion carried.

House adjourned at 1:00 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SIXTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
March 27, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. McAlpin. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representative Kasten, excused. Quorum present.

Mr. Speaker introduced and thanked the pages for their work this week.

Mr. Speaker made a quick announcement about 3rd reading absentee procedures `

MOTIONS

Rep. Howard moved that due to his absence yesterday and his inability to vote on 3rd reading, he be recorded as a "NO" vote for 3rd reading on **HB 645**. Motion carried.

SPECIAL ORDERS OF THE DAY

**A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA**

March 27, 2009

Commending Michael W. Haynes, a 28-year-old Trooper with the Montana Highway Patrol, for his service to the State of Montana;

Whereas, Trooper Haynes was the beloved son of John and Melody Haynes of Kalispell, the loving husband of Tawney, and devoted father of Taryn and Elias; and

Whereas, Trooper Haynes was a hardworking man, dedicated to his job with the Highway Patrol, who lived the example of the core duties of the Patrol: service, integrity, and respect; and

Whereas, Trooper Haynes was sworn in to duty on August 10, 2006, and stationed in Baker and assumed his Kalispell duty station on October, 1, 2007; and

Whereas, Trooper Haynes injured in the line of duty while on patrol of U.S. Highway 93 in the early morning hours of March 23, 2009, and he succumbed to his injuries on March 27, 2009;

**THEREFORE BE IT RESOLVED BY THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA:**

That the members of this body recognize the dedication of trooper Haynes to the citizens of the State of Montana and the sacrifice he made. The members of this body further extend condolences to the family of Trooper Haynes and extend best wishes for strength in his difficult time.

Senator Robert R. Story Jr.
President of Senate

Representative Bob Bergren
Speaker of the House

Sen. John Brueggeman, Chairman

Rep. Jon Sonju, Chairman

Highways & Transportation Committee

Transportation Committee

COMMUNICATIONS AND PETITIONS

Mr. Speaker the Journals for the 36th through the 52nd legislative day have been reviewed and have been found to be accurate and signed. They have been filed with the Secretary of State.

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Jopek, Chairman):

3/27/2009

SB 68, be concurred in. Report adopted.

SB 104, be amended as follows:

1. Page 1, line 24.

Following: "~~held~~"

Insert: "in the newspaper doing the county printing of the county in which the estray is found and"

2. Page 1, line 25.

Following: "must"

Insert: "be published in the newspaper at least one time and must"

And, as amended, be concurred in. Report adopted.

SB 126, be concurred in. Report adopted.

SB 286, be amended as follows:

1. Page 12, line 31.

Insert: "NEW SECTION. **Section 20. Termination.** [Sections 1 through 16] terminate June 30, 2011."

And, as amended, be concurred in. Report adopted.

HB 575, be amended as follows:

1. Title, lines 4 and 5.

Strike: "PRODUCTION" on line 4 through "WELL" on line 5

Insert: "WATER PRODUCED IN ASSOCIATION WITH COAL BED METHANE PRODUCTION"

2. Title, line 6.

Strike: "PRODUCTION"

Strike: "AN OIL OR GAS WELL;"

Insert: "COAL BED METHANE PRODUCTION; INCREASING COMPENSATION FROM THE COAL BED METHANE PROTECTION PROGRAM; ASSESSING A FEE; REQUIRING A STUDY OF ISSUES RELATED TO WATER IN ASSOCIATION WITH OIL AND GAS PRODUCTION;"

3. Title, line 6.

Following: SECTIONS

Insert: "15-36-331,"

4. Title, line 7.

Strike: "82-11-101,"

Insert: "76-15-904, 76-15-905, AND"

Strike: "85-2-102" through "85-2-510,"

Following: "MCA;"

Insert: "REPEALING SECTION 10, CHAPTER 531, LAWS OF 2001;"

5. Page 1, line 12 through page 9, line 12.

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Temporary permit. (1) As provided in this section and in accordance with this part, the department shall issue a temporary permit for the beneficial use of water produced in association with coal bed methane production.

(2) In addition to the requirements of this part, an application for a temporary permit under this section must:

(a) provide that the source of the appropriation is surface water in the pipeline, pond, pit, or other means of containing or conveying the water approved by the board of oil and gas conservation pursuant to 85-2-510;

(b) provide that the point of diversion is a specified place diverting the water from the pipeline, pond, pit, or other means of containing or conveying the water approved by the board of oil and gas conservation pursuant to 85-2-510; and

(c) limit the use of the water to:

(i) stock water;

(ii) managed irrigation with no return flow to surface water;

(iii) dust suppression and other industrial uses;

(iv) domestic use; or

(v) distribution for the purposes of subsections (2)(c)(i) through (2)(c)(iv).

(3) A temporary permit issued under this section expires when the beneficial use ceases or coal bed methane production ceases.

(4) An applicant for a temporary permit under this section shall pay an \$800 fee to the department.

(5) (a) The holder of the temporary permit shall notify the department when the beneficial use ceases or coal bed methane production ceases.

(b) The owner of the coal bed methane well or the holder of the temporary permit shall give the owner of the land where the well is located reasonable notice that the temporary permit is about to expire.

(6) Water right holders who may be affected by the use of water under a temporary permit issued pursuant to this part are eligible for compensation pursuant to 76-15-905.

(7) Permits may not be issued under this section after June 30, 2011.

(8) Appropriations approved under this section must not exceed a combined total volume of 2,000 acre-feet annually.

(9) (a) The department and the board of oil and gas conservation shall study the:

(i) effect on ground water of water produced in association with oil and gas production by using information gathered prior to [the effective date of this act] and any information collected pursuant to this section; and

(ii) appropriate uses of water produced in association with oil and gas production.

(b) The department and the board of oil and gas conservation shall report findings and any recommended legislation from the study to the appropriate interim committee in accordance with 5-11-210 before September 1, 2010.

(10) Nothing in this section alters or amends in any way a water compact that has been entered into and approved by the state of Montana and a tribe, the United States, or another state under Title 85, chapter 20."

Insert: "**Section 2.** Section 15-36-331, MCA, is amended to read:

"15-36-331. Distribution of taxes. (1) (a) For each calendar quarter, the department shall determine the amount of tax, late payment interest, and penalties collected under this part.

(b) For the purposes of distribution of oil and natural gas production taxes to county and school district taxing units under 15-36-332 and to the state, the department shall determine the amount of oil and natural gas production taxes paid on production in the taxing unit.

(2) (a) The amount of oil and natural gas production taxes collected for the privilege and license tax pursuant to 82-11-131 must be deposited, in accordance with the provisions of 17-2-124, in the state special revenue fund for the purpose of paying expenses of the board, as provided in 82-11-135.

(b) The amount of the tax for the oil, gas, and coal natural resource account established in 90-6-1001 must be deposited in the account.

(3) (a) For each tax year, the amount of oil and natural gas production taxes determined under subsection

(1)(b) is allocated to each county according to the following schedule:

Big Horn	45.05%
Blaine	58.39%
Carbon	48.27%
Chouteau	58.14%
Custer	69.53%
Daniels	50.81%
Dawson	47.79%
Fallon	41.78%
Fergus	69.18%
Garfield	45.96%
Glacier	58.83%
Golden Valley	58.37%
Hill	64.51%
Liberty	57.94%
McCone	49.92%
Musselshell	48.64%
Petroleum	48.04%
Phillips	54.02%
Pondera	54.26%
Powder River	60.9%
Prairie	40.38%
Richland	47.47%
Roosevelt	45.71%
Rosebud	39.33%
Sheridan	47.99%
Stillwater	53.51%
Sweet Grass	61.24%
Teton	46.1%
Toole	57.61%
Valley	51.43%
Wibaux	49.16%
Yellowstone	46.74%
All other counties	50.15%

(b) The oil and natural gas production taxes allocated to each county must be deposited in the state special revenue fund and transferred to each county for distribution, as provided in 15-36-332.

(4) The department shall, in accordance with the provisions of 17-2-124, distribute the state portion of oil and natural gas production taxes remaining after the distributions pursuant to subsections (2) and (3) as follows:

- (a) for each fiscal year through the fiscal year ending June 30, 2011, to be distributed as follows:
 - (i) 1.23% to the coal bed methane protection account established in 76-15-904;
 - (ii) 1.45% to the natural resources projects state special revenue account established in 15-38-302;
 - (iii) 1.45% to the natural resources operations state special revenue account established in 15-38-301;
 - (iv) 2.99% to the orphan share account established in 75-10-743;
 - (v) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 20-25-423; and
 - (vi) all remaining proceeds to the state general fund;
- (b) for fiscal years beginning after June 30, 2011, to be distributed as follows:
 - (i) 2.16% to the natural resources projects state special revenue account established in 15-38-302;
 - (ii) 2.02% to the natural resources operations state special revenue account established in 15-38-301;
 - (iii) 2.95% to the orphan share account established in 75-10-743;
 - (iv) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 20-25-423; ~~and~~
 - (v) 1.23% to the coal bed methane protection account established in 76-15-904; and

~~(v)~~(vi) all remaining proceeds to the state general fund."

Insert: "Section 3. Section 76-15-904, MCA, is amended to read:

"76-15-904. Coal bed methane protection account -- use. (1) There is a coal bed methane protection account in the state special revenue fund.

(2) There must be deposited in the account the proceeds from the distribution of oil and natural gas production taxes, as provided in 15-36-331.

(3) All money paid into the account must be invested by the board of investments. Earnings from investments must be deposited in the account.

(4) ~~Subject to the conditions of subsection (5), money~~ Money deposited in the account must be used to compensate landowners and water right holders for damages attributable to coal bed methane development as provided in this part.

~~(5) Money deposited in the fund and earnings of the fund may not be expended until after June 30, 2005. For fiscal years beginning after June 30, 2005, principal and earnings may be expended only in the case of an emergency. For fiscal years beginning after June 30, 2011, principal and earnings in the account may be expended for any purpose authorized pursuant to this part.~~

~~(6)~~(5) Money in the account must be appropriated to the department for use by conservation districts that have private landowners or water right holders who qualify for compensation as provided in 76-15-905.

~~(Subsection (2) terminates June 30, 2011--sec. 10, Ch. 531, L. 2001.)"~~

Insert: "Section 3. Section 76-15-905, MCA, is amended to read:

"76-15-905. Coal bed methane protection program -- restrictions. (1) There is a coal bed methane protection program administered by conservation districts that have coal beds within the exterior boundary of the district or whose water sources may be adversely affected by the extraction of coal bed methane. The purpose of the coal bed methane protection program is to compensate private landowners or water right holders for damage caused by coal bed methane development.

(2) A conservation district shall establish procedures, approved by the department, for evaluating claims for compensation submitted by a landowner or water right holder. The procedures must include:

(a) a method for submitting an application for compensation for damages caused by coal bed methane development;

(b) a process for determining the cost of the damage to land, surface water, or ground water, if any, caused by coal bed methane development;

(c) the development of eligibility requirements for receiving compensation that include an applicant's access to existing sources of state funding, including state-mandated payments, that compensate for damages; and

(d) criteria for ranking applications related to available resources.

(3) An eligible recipient for compensation includes private landowners and water right holders who can demonstrate as the result of damage caused by coal bed methane development:

(a) a loss of agricultural production or a loss in the value of land;

(b) a reduction in the quantity or quality of water available from a surface water or ground water source that affects the beneficial use of water; or

(c) the contamination of surface water or ground water that prevents its beneficial use.

(4) (a) Subject to the conditions of subsections (5) through ~~(8)~~(7), an eligible landowner may be compensated for the damages incurred by the landowner for loss of agricultural production and income, lost land value, and lost value of improvements caused by coal bed methane development. A payment made under this subsection (4)(a) may only cover land directly affected by coal bed methane development.

(b) Subject to the conditions of subsections (5) through ~~(8)~~(7), an eligible water right holder may be compensated for damages caused by the contamination, diminution, or interruption of surface water or ground water.

(5) In order to qualify for a payment of damages under this section, the landowner or water right holder shall demonstrate that it is unlikely that compensation will be made by the coal bed methane developer or operator who is liable for the damage to land or the reduction in or contamination of surface water or ground water as the result of coal bed methane development.

(6) Compensation made to a landowner or a water right holder under this section may not exceed 75% of the cost of the damages. The maximum amount paid to a landowner or water right holder may not exceed ~~\$50,000~~ \$150,000.

(7) Conservation district administrative expenses for services provided under this section are eligible

costs for reimbursement from the coal bed methane protection account.

~~(8) (a) Except as provided in subsection (8)(b), compensation for damages allowed under this section may be made only after June 30, 2011.~~

~~(b) Compensation for an emergency may be made after June 30, 2005."~~

Insert: "Section 4. Section 82-11-175, MCA, is amended to read:

"82-11-175. Coal bed methane wells -- requirements. (1) Coal bed methane production wells that involve the production of ~~ground~~ water must comply with this section.

(2) ~~Ground water~~ Water produced in association with a coal bed methane well production must be managed in any of the following ways:

(a) used as irrigation or stock water or for other beneficial uses in compliance with Title 85, chapter 2, part 3;

(b) reinjected to an acceptable subsurface strata or aquifer pursuant to applicable law;

(c) discharged to the surface or surface waters subject to the permit requirements of Title 75, chapter 5;

or

(d) managed through other methods allowed by law.

(3) (a) Prior to the development of a coal bed methane well that involves the production of ~~ground~~ water from an aquifer that is a source of supply for appropriation rights or permits to appropriate under Title 85, chapter 2, the developer of the coal bed methane well shall notify and offer a reasonable mitigation agreement to each appropriator of water who holds an appropriation right or a permit to appropriate under Title 85, chapter 2, that is for ground water and for which the point of diversion is within:

(i) 1 mile of the coal bed methane well; or

(ii) one-half mile of a well that is adversely affected by the coal bed methane well.

(b) The mitigation agreement must address the reduction or loss of water resources and must provide for prompt supplementation or replacement of water from any natural spring or water well adversely affected by the coal bed methane well. The mitigation agreement is not required to address a loss of water well productivity that does not result from a reduction in the amount of available water because of production of ground water from the coal bed methane well."

Insert: "NEW SECTION. **Section 5. Repealer.** Section 10, Chapter 531, Laws of 2001, is repealed."

Insert: "NEW SECTION. **Section 6. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 85, chapter 2, part 3, and the provisions of Title 85, chapter 2, part 3, apply to [section 1]."

NEW SECTION. **Section 7. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Insert: "NEW SECTION. **Section 8. Effective date.** [This act] is effective on passage and approval."

Insert: "NEW SECTION. **Section 9. Applicability.** [This act] applies to pending beneficial use applications for water produced in association with coal bed methane production submitted before [the effective date of this act] and to beneficial use applications for water produced in association with coal bed methane production submitted on or after [the effective date of this act]."

And, as amended, do pass. Report adopted.

SJR 11, be concurred in. Report adopted.

SJR 17, be concurred in. Report adopted.

SJR 20, be concurred in. Report adopted.

APPROPRIATIONS (Sesso, Chairman):

3/27/2009

HB 631, do pass. Report adopted.

BUSINESS AND LABOR (Wilson, Chairman):

3/27/2009

SB 398, be concurred in. Report adopted.

SB 462, be concurred in. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman):

3/27/2009

SB 257, be concurred in. Report adopted.

FISH, WILDLIFE AND PARKS (Van Dyk, Chairman):

3/27/2009

SB 228, be concurred in. Report adopted.

SB 164, be amended as follows:

1. Title, line 13.

Following: "~~WATER~~,"

Insert: "PROVIDING A STATUTORY APPROPRIATION;"

Following: "SECTIONS"

Insert: "17-7-502,"

2. Title, line 14.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

3. Page 1, line 17.

Insert: "Section 1. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202; 23-4-204; 23-4-302; 23-4-304; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-1-504; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; [section 5]; 87-1-513; 90-1-115; 90-1-205; 90-3-1003; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108 terminates June 30, 2010; pursuant to sec. 17, Ch. 593, L. 2005, the inclusion of 15-31-906 terminates January 1, 2010; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; and pursuant to sec. 6, Ch. 2, Sp. L. September 2007, the inclusion of 76-13-150 terminates June 30, 2009.)"

Renumber: subsequent sections

4. Page 2, line 21.

Following: "control"

Strike: "as the first priority"

5. Page 3, line 17.

Following: "control"

Strike: "as the first priority"

6. Page 4, line 5.

Following: "subsection"

Insert: ", except that portion of acquisitions made with funds provided under 87-1-242(1),"

7. Page 4, line 7.

Following: "PRICE"

Insert: "or \$300,000, whichever is less,"

8. Page 4, line 8.

Strike: "4"

Insert: "5"

Following: "used in"

Strike: "subsection (3)(c) and"

9. Page 6, line 8.

Following: "ACCOUNT"

Insert: "-- annual report"

Following: "ACCOUNT."

Insert: "(1)"

10. Page 6, line 9.

Following: "FUND."

Strike: "PURSUANT" through "PRICE"

Insert: "In addition to the funds"

11. Page 6, line 10.

Following: "DEPARTMENT"

Strike: "MUST BE DEPOSITED IN THE ACCOUNT."

Insert: "pursuant to 87-1-209(1), the department shall also deposit into the maintenance account:

(a) funds dedicated for development and maintenance of real property used for wildlife habitat under 87-1-242(4)(a);

(b) interest earned on the account; and

(c) any other money that the department considers appropriate or necessary for maintenance of the department's land or water.

(2)"

12. Page 6, line 11.

Following: "ACCOUNT"

Insert: "are statutorily appropriated to the department and "

13. Page 6, line 12.

Following: "DEPARTMENT."

Strike: remainder of line 12

Insert: "(3)(a) The department shall provide an annual report regarding deposits into and withdrawals from the account established in subsection (1) to the oversight subcommittee of the environmental quality council for the purpose of demonstrating the use of funds in the account toward the good neighbor policy.

(b) The report must describe the types of maintenance completed by fish, wildlife, and parks region and maintenance plans for the subsequent fiscal year.
(c) The report is due to the environmental quality council by September 1 following the end of each fiscal year."

14. Page 6, line 14.
Following: "SECTION"
Strike: "4"
Insert: "5"

15. Page 6, line 16.
Strike: "4"
Insert: "5"

16. Page 6, line 19.
Insert: "NEW SECTION. **Section 8. Termination.** [This act] terminates June 30, 2013."

And, as amended, be concurred in. Report adopted.

JUDICIARY (Stoker, Chairman):
SB 158, be amended as follows:

3/27/2009

1. Title, line 6.
Strike: "8TH,"
Following: "11TH,"
Insert: "AND"
Strike: ", AND 18TH"

2. Page 1.
Following: line 16
Insert: "(2) in the 18th district, three judges;"
Renumber: subsequent subsections

3. Page 1, line 17.
Following: "4th,"
Insert: "8th, and"
Strike: ", and 18th"

4. Page 1, line 18.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

5. Page 1, line 19.
Strike: "seven"
Insert: "six"

6. Page 1, line 26.
Strike: "8th,"
Following: "11th,"
Insert: "and"
Strike: ", and 18th"

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman):
SB 8, be amended as follows:

3/27/2009

1. Title, page 1, line 4.

Following: "CREATION"

Insert: "AND EXPANSION"

2. Page 1, line 13.

Following: "create"

Insert: "or expand"

3. Page 1, line 14.

Strike: "22"

Insert: "23"

4. Page 1, line 15.

Following: "in the"

Insert: "conservation of water resources or in the"

5. Page 1, line 18.

Following: "create"

Insert: "or expand"

6. Page 1, line 19.

Following: "establishment"

Insert: "or expansion"

7. Page 1, line 20.

Following: "authority"

Insert: "or expansion"

8. Page 1, line 21.

Following: "authority"

Insert: "expansion"

9. Page 1, line 22.

Following: "authority"

Insert: "or expansion"

10. Page 1, line 25.

Following: "authority"

Insert: "or expansion"

11. Page 1, line 27.

Following: "authority"

Insert: "or expansion"

Strike: ":",

12. Page 1, line 28.

Strike: "(i)"

Strike: ":",

13. Page 1, line 30.

Strike: "(ii)" through "but"

14. Page 2, line 8.

Following: "function"

Insert: "or expand"

Strike: "AND"

15. Page 2, line 11.

Following: "creating"

Insert: "or expanding"

Following: "~~charter~~"

Insert: "; and

(e) the structure of the governing body for the authority as provided in [section 7]"

16. Page 2, line 12.

Strike: "8"

Insert: "9"

17. Page 2, line 16.

Following: "**authority**"

Insert: "or expansion"

18. Page 2, line 18.

Following: "authority"

Insert: "or expansion"

19. Page 2, line 20.

Following: "authority"

Insert: "or expansion"

20. Page 2, line 26.

Following: "**authority**"

Insert: "or expansion"

21. Page 2, line 28.

Following: "authority"

Insert: "or expansion"

22. Page 2, line 29.

Following: "authority"

Insert: "or expansion"

23. Page 2, line 30.

Following: "created"

Insert: "or expanded"

24. Page 3, line 3.

Following: "authority"

Insert: "or expansion"

25. Page 3, line 6.

Following: "creating"

Insert: "or expanding"

26. Page 3, line 9.

Following: "authority"

Insert: "or expansion"

27. Page 3, line 10.

Following: "authority"

Insert: "or expansion"

28. Page 3, line 13.

Following: "creating"

Insert: "or expanding"

29. Page 3, line 14.

Following: "authority"

Insert: "or expansion"

30. Page 3, line 15.

Following: "creating"

Insert: "or expanding"

31. Page 3, line 17.

Following: "boundaries"

Insert: "or expansion"

32. Page 3, line 18.

Following: "creating"

Insert: "or expanding"

33. Page 3, line 22.

Following: "incorporation"

Insert: "or expansion"

34. Page 3, line 24.

Following: "established"

Insert: "or expanded"

35. Page 4, line 9.

Insert: "NEW SECTION. **Section 7. Governing body of regional resource authority.** (1) The initial members of the local governing body must be appointed by the county commissioners in the county where the election is administered pursuant to [section 4(4)], based on the recommendations of the petitioners.

(2) The commissioners shall appoint members of the governing body to staggered 2-year and 4-year terms.

(3) The appointments under subsection (1) must be made within 30 days after the adoption of the resolution for creation provided for in [section 5].

(4) Prior to the expiration of the initial appointments, the governing body shall divide itself into districts from which members are elected to succeeding terms."

Renumber: subsequent sections

36. Page 5, line 11.

Strike: the second "AND"

Insert: "(t) enter into interlocal agreements or other agreements with the federal government or its agencies; and"

37. Page 5, line 12.

Strike: "(T)"

Insert: "(u)"

Strike: "8"

Insert: "9"

38. Page 5, line 13.

Strike: "22"

Insert: "23"

39. Page 6, line 6.

Strike: "8"

Insert: "9"

Strike: "22"

Insert: "23"

40. Page 6, line 7.

Strike: "8"

Insert: "9"

Strike: "22"

Insert: "23"

41. Page 6, line 12.

Strike: "8"

Insert: "9"

Strike: "22"

Insert: "23"

42. Page 6, line 16.

Strike: "8"

Insert: "9"

Strike: "22"

Insert: "23"

43. Page 6, line 24.

Strike: "8"

Insert: "9"

Strike: "22"

Insert: "23"

44. Page 6, line 30.

Strike: "10"

Insert: "11"

45. Page 7, line 6.

Strike: "8"

Insert: "9"

Strike: "22"

Insert: "23"

46. Page 7, line 9.

Strike: "8"

Insert: "9"

Strike: "22"
Insert: "23"

47. Page 7, line 11.
Strike: "8"
Insert: "9"
Strike: "22"
Insert: "23"

48. Page 7, line 18.
Strike: "8"
Insert: "9"
Strike: "22"
Insert: "23"

49. Page 7, line 30.
Strike: "8"
Insert: "9"
Strike: "22"
Insert: "23"

50. Page 8, line 12.
Strike: "8"
Insert: "9"
Strike: "22"
Insert: "23"

51. Page 8, line 18.
Strike: "7"
Insert: "8"

52. Page 9, line 5.
Strike: "8"
Insert: "9"
Strike: "22"
Insert: "23"

53. Page 9, line 18.
Strike: "8"
Insert: "9"
Strike: "22"
Insert: "23"

54. Page 9, line 28.
Strike: "8"
Insert: "9"
Strike: "22"
Insert: "23"

55. Page 10, line 14.
Strike: "8"
Insert: "9"

56. Page 10, line 15.

Strike: "22"

Insert: "23"

57. Page 10, line 24.

Strike: "20(2)(B)"

Insert: "21(2)(b)"

58. Page 11, line 1.

Strike: "8"

Insert: "9"

Strike: "22"

Insert: "23"

59. Page 17, line 11.

Strike: "22"

Insert: "23"

60. Page 17, line 12.

Strike: "22"

Insert: "23"

And, as amended, be concurred in. Report adopted.

SB 9, be concurred in. Report adopted.

SB 305, be amended as follows:

1. Title, line 10.

Following: "76-3-604,"

Insert: "76-3-608,"

2. Page 3, line 6.

Following: "60 working days"

Insert: "or 120 working days if the proposed subdivision contains 50 or more lots"

3. Page 3, line 12.

Following: "(5)"

Insert: "(a)"

Strike: "this section"

Insert: "subsection (4)"

4. Page 3.

Following: line 15

Insert: "(b) The provisions of subsection (5)(a) do not apply if the review period is extended or suspended pursuant to subsection (4)."

5. Page 4.

Following: line 10

Insert: "**Section 3.** Section 76-3-608, MCA, is amended to read:

"76-3-608. Criteria for local government review. (1) The basis for the governing body's decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, planning board recommendations, or additional information demonstrates that development of the proposed subdivision meets the requirements of this chapter. A

governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services.

(2) The governing body shall issue written findings of fact that weigh the criteria in subsection (3), as applicable.

(3) A subdivision proposal must undergo review for the following primary criteria:

(a) except when the governing body has established an exemption pursuant to subsection (6) of this section or except as provided in 76-3-509, 76-3-609(2) or (4), or 76-3-616, the impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety;

(b) compliance with:

(i) the survey requirements provided for in part 4 of this chapter;

(ii) the local subdivision regulations provided for in part 5 of this chapter; and

(iii) the local subdivision review procedure provided for in this part;

(c) the provision of easements for the location and installation of any planned utilities; ~~and~~

(d) the provision of legal and physical access to each parcel within the proposed subdivision and the required notation of that access on the applicable plat and any instrument of transfer concerning the parcel; and
(e) an analysis of the agricultural soil type and whether the soil type is suitable to support structures.

(4) The governing body may require the subdivider to design the proposed subdivision to reasonably minimize potentially significant adverse impacts identified through the review required under subsection (3). The governing body shall issue written findings to justify the reasonable mitigation required under this subsection (4).

(5) (a) In reviewing a proposed subdivision under subsection (3) and when requiring mitigation under subsection (4), a governing body may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will preclude approval of the subdivision.

(b) When requiring mitigation under subsection (4), a governing body shall consult with the subdivider and shall give due weight and consideration to the expressed preference of the subdivider.

(6) The governing body may exempt proposed subdivisions that are entirely within the boundaries of designated geographic areas from the review criteria in subsection (3)(a) if all of the following requirements have been met:

(a) the governing body has adopted a growth policy pursuant to chapter 1 that:

(i) addresses the criteria in subsection (3)(a);

(ii) evaluates the impact of development on the criteria in subsection (3)(a);

(iii) describes zoning regulations that will be implemented to address the criteria in subsection (3)(a); and

(iv) identifies one or more geographic areas where the governing body intends to authorize an exemption from review of the criteria in subsection (3)(a); and

(b) the governing body has adopted zoning regulations pursuant to chapter 2, part 2 or 3, that:

(i) apply to the entire area subject to the exemption; and

(ii) address the criteria in subsection (3)(a), as described in the growth policy.

(7) A governing body may conditionally approve or deny a proposed subdivision as a result of the water and sanitation information provided pursuant to 76-3-622 or public comment received pursuant to 76-3-604 on the information provided pursuant to 76-3-622 only if the conditional approval or denial is based on existing subdivision, zoning, or other regulations that the governing body has the authority to enforce."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

SB 306, be amended as follows:

1. Page 1, line 10 through page 2, line 8.

Strike: section 1 in its entirety

Insert: "**Section 1. Creation of remainder.** (1) (a) Remainders are not authorized in a jurisdictional area unless a governing body passes an ordinance or resolution that allows the use of remainders in the governing body's jurisdictional area.

(b) Only one remainder may be created on a subdivision plat or a certificate of survey depicting an

exemption under 76-3-201 or 76-3-207.

(c) A remainder may be created through the use of an exemption under 76-3-201 or 76-3-207. A parcel created pursuant to 76-3-209 is not a remainder under this section.

(2) A remainder:

(a) may not be created for the purpose of sale, lease, or creating a security interest under 76-3-201(1)(b);

(b) must be retained by the landowner for a minimum of 18 months following the filing of the final plat of the subdivision or certificate of survey depicting the exemption unless the remainder is further divided pursuant to the requirements of this chapter; and

(c) is subject to applicable zoning regulations adopted pursuant to Title 76, chapter 2.

(3) (a) The governing body or its designated agent shall determine whether a proposed remainder meets the requirements of this section during:

(i) the preapplication process established pursuant to 76-3-504(1)(q);

(ii) the review procedure for a minor subdivision pursuant to 76-3-609; or

(iii) the procedure used to determine whether a proposed method of disposition using the exemptions provided in 76-3-201 or 76-3-207 is an attempt to evade the requirements of this chapter pursuant to criteria adopted under 76-3-504(1)(p).

(b) The determination must be based on a demonstration by the applicant that one or more of the following criteria are met:

(i) the remainder is 160 acres or larger in size or can be described as a one-quarter aliquot part of a United States government section;

(ii) the applicant's primary residence is on the remainder;

(iii) the proposed remainder is taxed for agricultural purposes under 15-7-202 or as forest land under Title 15, chapter 44, part 1. A remainder created by a subdivision under this subsection (3)(b)(iii) may not be developed until it has been reviewed and approved as a subdivision under parts 5 and 6 of this chapter. A remainder created by an exemption under this subsection (3)(b)(iii) may be developed with one single-family residence following the filing of a survey under part 4 of this chapter and review under chapter 4.

(iv) the remainder is part of a phased development plan for which an application has been submitted under parts 5 and 6 of this chapter. A remainder under this subsection (3)(b)(iv) does not become effective until a final plat for the phased subdivision has been filed pursuant to the requirements of this chapter. A remainder created under this subsection (3)(b)(iv) may not be developed until it has been reviewed and approved as a subdivision under parts 5 and 6 of this chapter.

(4) If the determination in subsection (3) is made by a designated agent of the governing body, the applicant may appeal the decision to the governing body. If an appeal is submitted, the governing body shall make a final determination using the criteria in subsection (3).

(5) Prior to the transfer or conveyance of an unsurveyed remainder, the parcel must be surveyed and the survey must be filed with the county clerk and recorder unless the remainder can be described as an aliquot part of a United States government section."

2. Page 3, line 18.

Following: "created"

Strike: "by the segregation of a subdivision from"

Insert: "when a subdivision plat is filed for part of"

3. Page 3, line 19.

Following: "76-3-207"

Insert: "pursuant to [section 1]"

4. Page 9.

Following: line 28

Insert: "COORDINATION SECTION. **Section 5. Coordination instruction.** If House Bill No. 522 is passed and approved, then any reference in [this act] to 76-3-201(1)(b) must be replaced by a reference to [section 1 of House Bill 522]."

And, as amended, be concurred in. Report adopted.

SB 310, be amended as follows:

1. Page 2, line 30.

Strike: "15"

Insert: "20"

And, as amended, be concurred in. Report adopted.

SB 369, be amended as follows:

1. Page 1, line 23.

Following: "mat"

Insert: "or cooperation"

2. Page 2, line 20.

Following: "incurred"

Insert: "except that a penalty may not be assessed if contact was not made with the landowner or the landowner's representative pursuant to 7-22-2123"

And, as amended, be concurred in. Report adopted.

HB 361, be amended as follows:

1. Title, line 7.

Strike: "DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES"

Insert: "OFF-GRID RENEWABLE ENERGY SYSTEMS"

2. Title, page 1, line 9.

Following: "PROPERTY;"

Strike: "CLARIFYING" on line 9 through "MCA;" on line 11

Insert: "ALLOWING LOAN PAYMENTS TO BE COLLECTED WITH PROPERTY TAXES;"

3. Page 1, line 17.

Following: "is to provide"

Insert: "voluntary"

4. Page 1, line 18.

Strike: "distributed" through "sources"

Insert: "off-grid renewable energy systems"

5. Page 1, line 24 through line 28.

Strike: subsection (3) in its entirety

Insert: "(3) As used in [sections 1 through 7]:

(a) "energy efficiency improvements" means reducing the waste or dissipation of energy or reducing the amount of energy required to accomplish a given quantity of work. The term includes but is not limited to the installation of gray water reuse system as defined in 75-5-325.

(b) "off-grid renewable energy system" means a system that is not integrated into the electrical grid system. The term may include:

(i) as defined in 15-32-102, a passive solar system, a geothermal system, or a low-emission wood or

biomass combustion device;
 (ii) a solar thermal heating system; or
 (iii) an off-grid electrical generating system that uses recognized nonfossil forms of energy generation."

6. Page 2.

Following: line 27

Insert: "(b) that assessments will be levied only against property owners who voluntarily agree to a loan financed by the district for off-grid renewable energy systems or energy efficiency improvements;"

Renumber: subsequent subsections

7. Page 3.

Following: line 11

Insert: "(7) Within 60 days after the creation of an energy improvement district or by January 1 of the effective tax year, whichever occurs first, the governing body shall provide to the department of revenue a:

- (a) legal description of the energy improvement district;
- (b) map of its boundaries;
- (c) copy of the certificate of establishment issued pursuant to [section 4]; and
- (d) copy of any adopted method of assessment."

8. Page 4, line 14 through line 17.

Following: "issuance of" on line 14

Strike: ":" on line 14 through "(ii)" on line 17

9. Page 4, line 22.

Following: "Loans"

Insert: "-- property assessment to repay loans"

Following: "lien."

Insert: "(1)"

10. Page 4, line 23 through line 24.

Strike: "distributed generation" on line 23 through "sources" on line 24

Insert: "off-grid renewable energy systems"

11. Page 4, line 27.

Following: "appropriate."

Insert:

"(2) Loan payments may be assessed on property as provided in subsections (3) and (4). The legal description and geocode for each real property subject to this subsection must be reported by the entity administering the energy improvement district to the department of revenue annually by February 1.

(3) (a) Except as provided in subsection (4), in each city or town where taxes for general, municipal, and administrative purposes are certified to and collected by the county treasurer immediately after the second Monday of August of each year, it is the duty of the city treasurer or town clerk to certify to the department of revenue, at the same time that the copy of the resolution determining the annual levy for general taxes is certified by the city or town clerk to the county clerk, all assessments levied and assessed in accordance with the provisions of this section.

(b) The department of revenue shall enter the assessments upon the property tax record for the county. The county treasurer shall collect the assessments in the same manner and at the same time as taxes for general, municipal, and administrative purposes are collected.

(4) (a) In a city or town where taxes for general, municipal, and administrative purposes are certified to and collected by the county treasurer in accordance with the provisions of 7-6-4423, the city or town may provide by ordinance for the collection by its city treasurer or town clerk of all assessments levied and assessed in accordance with the provisions of this section in the same manner and at the same time as taxes for general, municipal, and administrative purposes are collected by the county treasurer. All of the provisions of 7-6-4423

apply to the collection of the assessments in the same manner as the provisions apply to the collection of other city or town taxes.

(b) (i) When the payment of any one installment of any assessment becomes delinquent, all payments of subsequent installments, at the option of the city or town council and by appropriate resolution duly adopted, become delinquent. The city or town council may order that all assessments that are delinquent as a result of acceleration be withdrawn.

(ii) Delinquent assessments must be certified to the county clerk of the county in which the city or town is situated. The county treasurer shall collect the delinquent assessments in the same manner and at the same time that taxes for general, municipal, and administrative purposes are collected. If the delinquent assessments and taxes are not paid, the whole property must be sold in the same manner that other property is sold for taxes. The enforcement of the lien of any installment of a assessment by any method authorized by law does not prevent the enforcement of the lien of any subsequent installment when it becomes delinquent.

(5)"

12. Page 4, line 30.

Following: "the property"

Insert: "; however, the energy improvement district may allow the lien to transfer with the sale of the property"

13. Page 5, line 16.

Following: "secretary of state"

Insert: "and the department of revenue"

14. Page 5, line 18.

Following: "(6)"

Insert: "(a)"

15. Page 5.

Following: line 19

Insert: "(b) If loan payments are still being collected by the governing body pursuant to [section 6] after the dissolution of the energy improvement district, the governing body shall continue to annually report assessments to the department of revenue."

16. Page 5, line 25 through page 7, line 7.

Strike: section 8 through section 10 in their entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

TAXATION (Lake, Chairman):

3/27/2009

HB 312, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "INCREASING"

Insert: "REVISING"

Following: "CAP"

Insert: "BASED ON THE MOST RECENT FEDERAL CENSUS"

Following: "FOR"

Insert: "AN AREA OR"

Following: "AS A"

Insert: "RESORT AREA OR"

2. Page 1, line 30.

Strike: "10,000"

Insert: "5,500"

3. Page 2.

Following: line 5

Insert: "NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

And, as amended, do pass. Report adopted.

HB 657, do pass. Report adopted.

HB 670, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "PROPERTY;"

Insert: "REQUIRING JOINT APPROVAL OF THE ABATEMENT BY AFFECTED GOVERNING BODIES;"

2. Page 1, line 19.

Strike: "body"

Insert: "bodies"

Following: "county"

Strike: ", "

Insert: "or"

Following: "town,"

Strike: "or"

Insert: "if the property is located in the city or town, and"

Following: "may"

Insert: "jointly"

3. Page 1, line 23.

Following: "operating"

Insert: "the property"

4. Page 1, line 27.

Following: "to the"

Insert: "affected"

Strike: "body"

Insert: "bodies"

5. Page 1, line 29.

Following: "to the"

Insert: "affected"

Strike: "body"

Insert: "bodies"

6. Page 1, line 30.

Following: "purposes of"

Insert: "[section 3] and"

7. Page 2, line 2 through line 10.

Strike: "(2)(a)(i)" on line 2 through "district." on line 10

Insert: "(2) (a) In order for a taxpayer to receive the tax benefits described in subsection (1), the governing bodies of the affected county or consolidated local government unit, incorporated city or town, if the property is

located in the city or town, and school district must have approved by a separate, joint resolution for each commercial or industrial property, following due notice as defined in 76-15-103 and a public hearing, the taxable value reduction provided for in subsection (1) for the respective jurisdictions. The presiding officer of the governing body of the affected county or consolidated local government unit is the presiding officer of the joint meeting of the affected taxing jurisdictions. If the property is located in more than one county, the presiding officer of the governing body of the county in which most of the property is located is the presiding officer of the joint meeting.

(b) For the purpose of this subsection (2), each affected governing body shall provide due notice of the joint meeting."

Renumber: subsequent subsections

8. Page 2, line 11.

Strike: "body"

Insert: "bodies"

9. Page 2, line 12.

Following: "benefits"

Insert: "in the tax year"

10. Page 2, line 13.

Following: "The"

Insert: "joint"

Strike: "subsections (2)(a)(i) and (2)(a)(ii)"

Insert: "subsection (2)(a)"

11. Page 2, line 15.

Strike: "jurisdiction"

Insert: "jurisdictions"

Following: "The"

Insert: "joint"

12. Page 2, line 17.

Following: "The"

Insert: "joint"

13. Page 2, line 19.

Following: "body."

Insert: "The joint resolution must be approved by a majority vote of the governing body of each affected taxing jurisdiction referred to in subsection (2)(a)."

14. Page 2, line 20.

Strike: "body"

Insert: "bodies"

Strike: "it determines"

Insert: "they determine"

15. Page 2, line 22.

Strike: "body determines"

Insert: "bodies determine"

16. Page 2, line 23.

Strike: "government"

Insert: "governments"

17. Page 2, line 24.

Following: "by the"

Insert: "joint"

18. Page 2, line 25.

Strike: "body"

Insert: "bodies"

19. Page 2, line 26.

Strike: "it"

Insert: "they"

20. Page 2, line 28.

Strike: "A" through the first "the"

Insert: "The"

Following: "benefits"

Insert: "may not be granted"

21. Page 2, line 30.

Strike: "county" through "unit"

Insert: "majority vote of the governing body of each affected taxing jurisdiction"

22. Page 3, line 1.

Following: "in the"

Insert: "affected"

Following: "unit"

Insert: ", the affected incorporated city or town, and the affected school district"

23. Page 3, line 2 through line 5.

Strike: subsection (b) through subsection (c) in their entirety

Renumber: subsequent subsection

24. Page 3, line 8.

Following: "approving the"

Insert: "joint"

25. Page 3, line 9.

Following: "body"

Insert: "of the affected county or consolidated local government unit"

Following: "approval"

Insert: "by each of the affected governing bodies"

26. Page 3, line 10.

Strike: "taxing jurisdiction"

Insert: "county or consolidated local government unit"

27. Page 3, line 11.

Following: "section"

Insert: "for each affected taxing jurisdiction"

28. Page 3, line 18.

Following: "recapture by"

Strike: "the"

Insert: "each"

29. Page 3, line 19.

Following: "or the"

Insert: "joint"

Strike: "2(2)(a)(i) or (2)(a)(ii)"

Insert: "2(2)(a)"

30. Page 3, line 26.

Strike: "the"

Insert: "a"

And, as amended, do pass. Report adopted.

HB 674, do pass. Report adopted.

MESSAGES FROM THE SENATE

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

3/27/2009

HB 290, introduced by Grinde

Senate bills passed and transmitted to the House for concurrence:

3/27/2009

SB 37, introduced by Kaufmann

SB 217, introduced by De. Barrett

SB 291, introduced by Black

SB 379, introduced by Perry

SB 402, introduced by J. Peterson

SB 418, introduced by Branae

SB 435, introduced by Brenden

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 32, introduced by Ebinger, referred to Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

SB 37, introduced by Kaufmann (by request of the Environmental Quality Council), referred to Taxation.

SB 217, introduced by De. Barrett, Zinke, Bales, Ripley, Steinbeisser, Laible, Brenden, Lewis, Murphy, T. Brown, referred to Fish, Wildlife and Parks.

SB 234, introduced by Gillan, R. Brown, Moss, Schmidt, Williams, Jent, Larsen, Hawks, Grinde, Becker, Boss Ribs, Driscoll, J. Peterson, Roberts, Reinhart, Sands, Caferro, Van Dyk, MacDonald, Cohenour, referred to Appropriations.

SB 291, introduced by Black, referred to Federal Relations, Energy, and Telecommunications.

SB 303, introduced by Wanzenried, referred to Natural Resources..

SB 379, introduced by Perry, referred to Judiciary.

SB 402, introduced by J. Peterson, Ankney, Bales, Barkus, Bergren, Brenden, D. Brown, R. Brown, T. Brown, Campbell, Esp, Furey, Hansen, Hinkle, Hollandsworth, Jones, Keane, Kerns, Lake, McChesney, McGee, McNutt, Milburn, Sales, Shockley, Stoker, Story, Tutvedt, referred to Judiciary.

SB 418, introduced by Branae, referred to Taxation.

SB 435, introduced by Brenden, Bales, De. Barrett, Black, Curtiss, Gebhardt, Ripley, Stahl, Steinbeisser, Tutvedt, referred to Fish, Wildlife and Parks.

SB 502, introduced by Keane, Mendenhall, Gallus, Klock, Gebhardt, Welborn, McClafferty, Gillan, D. Brown, P. Noonan, referred to Federal Relations, Energy, and Telecommunications.

SB 505, introduced by Bales, McChesney, referred to Natural Resources.

MOTIONS

Rep. Campbell moved to pass consideration on **HB 23** for the day. Motion carried.

Rep. Campbell moved to pass consideration on **HB 291** for the day. Motion carried.

Rep. Campbell moved to place **HB 653** on the bottom of the board. Motion carried.

Rep. Campbell moved to pass consideration on **HB 622** for the day. Motion carried.

Rep. Miller moved that due to his absence yesterday and his inability to vote on 3rd reading, he be recorded as a **"NO"** vote for 3rd reading on **HB 645**. Motion carried.

Rep. McGillvray moved that **HB 261** be moved from Taxation Committee and be placed on second reading on the 69th legislative day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 49

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 50

Excused: Kasten.

Total 1

Absent or not voting: None.

Total 0

Rep. Brown moved that **HB 654** be moved from Taxation Committee and be placed on second reading on the 69th legislative day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 50

Nays: Augare, Barrett, P. Beck, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 49

Excused: Kasten.
Total 1

Absent or not voting: None.
Total 0

Rep. Sales moved that Rep. Nooney's vote on the motion on **HB 261** be changed from a "YES" to a "NO".
Motion carried.

Rep. Phillips announced that the House Democrats will caucus for 15 minutes.
Mr. Speaker announced that the House will recess for 15 minutes.

The House came to order at 1:54 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pomnichowski in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 171 - Governor's Amendments - Representative Augare moved Governor's amendments to **HB 171** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 87

Nays: Bennett, Boniek, Kerns, Lake, McGillvray, Sales, Smith, Stoker, Wagner, Wiseman.
Total 10

Excused: None.
Total 0

Absent or not voting: Butcher, Mendenhall, Stahl.
Total 3

HB 133 - Senate Amendments - Representative Stoker moved Senate amendments to **HB 133** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney,

O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 150 - Senate Amendments - Representative D. Brown moved Senate amendments to **HB 150** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Washburn, Welborn, Wilson, Wiseman.
Total 88

Nays: Augare, Blewett, Caferro, A. Noonan, Reinhart, Sesso, Villa, Vincent, Wagner, Warburton, Wilmer, Mr. Speaker.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 195 - Senate Amendments - Representative Hamilton moved Senate amendments to **HB 195** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Kasten.
Total 1

Excused: None.

Total 0

Absent or not voting: Taylor.

Total 1

HB 197 - Senate Amendments - Representative Ebinger moved Senate amendments to **HB 197** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Kasten, Regier.

Total 2

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

HB 317 - Senate Amendments - Representative Furey moved Senate amendments to **HB 317** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Kasten.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 354 - Senate Amendments - Representative Glaser moved Senate amendments to **HB 354** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Kasten.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 365 - Senate Amendments - Representative Roberts moved Senate amendments to **HB 365** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Kasten.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 397 - Senate Amendments - Representative Kottel moved Senate amendments to **HB 397** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa,

Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 99

Nays: Mr. Speaker.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 407 - Senate Amendments - Representative MacDonald moved Senate amendments to **HB 407** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 593 - Senate Amendments - Representative Villa moved Senate amendments to **HB 593** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 92

Nays: Boss Ribs, Kasten, Mendenhall, Miller, Peterson, Vincent, Wiseman.
Total 7

Excused: None.
Total 0

Absent or not voting: P. Noonan.

Total 1

HB 279 - Representative Reinhart moved **HB 279** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: Bennett, Berry, Kerns, Lake, MacLaren, Miller, More, Peterson, Regier, Smith, Vance, Villa, Vincent, Wagner.

Total 14

Excused: None.

Total 0

Absent or not voting: Butcher, Morgan.

Total 2

HB 306 - Representative Morgan moved **HB 306** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 95

Nays: Hands, More, Regier, Wagner, Wiseman.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 598 - Representative A. Noonan moved **HB 598** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A.

Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Caferro, Hands, Himmelberger, Kasten, Mendenhall, Regier, Wagner.
Total 7

Excused: None.
Total 0

Absent or not voting: Berry, Glaser.
Total 2

HB 615 - Representative MacLaren moved **HB 615** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 88

Nays: Augare, Boniek, Caferro, Jopek, Mendenhall, Miller, More, Van Dyk, Wagner, Warburton, Wiseman.
Total 11

Excused: None.
Total 0

Absent or not voting: McChesney.
Total 1

HB 655 - Representative Belcourt moved **HB 655** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 93

Nays: Kerns, Lake, Mendenhall, Randall, Sales, Stoker, Wiseman.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 30 - Representative Himmelberger moved **HJR 30** be adopted. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 91

Nays: Ankney, Howard, Kasten, Kerns, Morgan, Peterson, Sales, Wiseman.
Total 8

Excused: None.
Total 0

Absent or not voting: McChesney.
Total 1

Representative Wilmer assumed the chair.

HB 653 - Representative Pomnichowski moved **HB 653** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 89

Nays: Boniek, Howard, Ingraham, Kasten, Kerns, Mendenhall, Randall, Sales, Wagner, Welborn.
Total 10

Excused: None.
Total 0

Absent or not voting: Himmelberger.
Total 1

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Campbell moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger,

Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Boniek, McGillvray, More, Nooney, Vance.
Total 5

Excused: Kasten.
Total 1

Absent or not voting: Mendenhall, P. Noonan, Sesso.
Total 3

SPECIAL ORDERS OF THE DAY

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to HB 658 Motion carried.

HB 658 (Jopek Chief Sponsor)
Representatives Cohenour, Hoven

ANNOUNCEMENTS

Rep. Hands announced committee assignments for interested legislators.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:00 a.m., Saturday, March 28, 2009. Motion carried.

House adjourned at 2:55 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SIXTY-NINTH LEGISLATIVE DAY**

Helena, Montana
March 28, 2009

House Chambers
State Capitol

House convened at 8:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Butcher. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Augare, Bennett, Hiner, Howard, Kasten, Pease-Lopez, Phillips, Roundstone, Steenson. Quorum present.

Mr. Speaker asked Sgt.-at-Arms Tensley to escort Representatives Klock, McNutt, Wilson and Stoker to the well of the House. All four members of the House have birthdays within the next two days. The body sang Happy Birthday to the Representatives.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman): 3/28/2009
SB 235, be concurred in. Report adopted.
SB 271, be concurred in. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman): 3/28/2009
SB 464, be concurred in. Report adopted.

NATURAL RESOURCES (Milburn, Chairman): 3/28/2009
HB 669, do pass. Report adopted.
SB 22, be concurred in. Report adopted.
SB 62, be concurred in. Report adopted.
SB 71, be concurred in. Report adopted.
SB 97, be concurred in. Report adopted.
SB 392, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 3/28/2009

HB 144, introduced by McAlpin
HB 400, introduced by Kottel
HB 530, introduced by Arntzen

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 3/28/2009
HB 386, introduced by O'Hara

Senate bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/28/2009
SB 260, introduced by Gillan
SB 465, introduced by Hamlett
SB 491, introduced by Lewis
SB 510, introduced by Gebhardt

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FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 34, introduced by McAlpin, Ingraham, Stoker, French, Smith, Sands, P. Noonan, B. Beck, Becker, Furey, Hunter, referred to Human Services.

The following Senate bills were introduced, read first time, and referred to committees:

SB 260, introduced by Gillan, Lake, A. Noonan, Ankney, Gebhardt, Lake, P. Noonan, referred to Taxation.

SB 465, introduced by Hamlett, Story, referred to Taxation.

SB 491, introduced by Lewis, referred to Taxation.

SB 510, introduced by Gebhardt, referred to Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 133, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Becker, Wagner.

Total 2

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

HB 150, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Campbell, Ebinger, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Randall, Regier, Reichner, Roberts, Sales, Sands, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson.

Total 65

Nays: Barrett, P. Beck, Becker, Blewett, Boland, Caferro, Cohenour, Dickenson, Driscoll, Fleming, French, Hands,

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Henry, Hollenbaugh, MacDonald, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Peterson, Pomnichowski, Reinhart, Sesso, Van Dyk, Wilmer, Wiseman, Mr. Speaker.

Total 29

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

HB 171, Governor's amendments, passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: Barrett, Boniek, Grinde, Hands, Kerns, Lake, MacDonald, More, Roberts.

Total 9

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: Welborn.

Total 1

HB 195, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: McGillvray.

Total 1

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

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HB 197, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Regier.

Total 1

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

HB 279 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Randall, Reichner, Reinhart, Sales, Sands, Sesso, Sonju, Stahl, Stoker, Van Dyk, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 74

Nays: Bennett, Berry, Boniek, Hendrick, Kerns, Lake, Miller, More, Morgan, Nooney, Peterson, Pomnichowski, Regier, Roberts, Smith, Taylor, Vance, Villa, Wagner, Welborn.

Total 20

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

HB 306 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent,

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Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 90

Nays: Boniek, More, Regier, Wagner.
Total 4

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.
Total 6

Absent or not voting: None.
Total 0

HB 317, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: None.
Total 0

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.
Total 6

Absent or not voting: Hoven.
Total 1

HB 354, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: None.
Total 0

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.
Total 6

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Absent or not voting: Milburn.
Total 1

HB 365, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 89

Nays: More, Randall, Sales.
Total 3

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.
Total 6

Absent or not voting: Boss Ribs, Stahl.
Total 2

HB 397, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 92

Nays: Pomnichowski, Mr. Speaker.
Total 2

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.
Total 6

Absent or not voting: None.
Total 0

HB 407, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald,

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MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: None.

Total 0

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

HB 593, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Stahl, Stoker, Taylor, Vance, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 78

Nays: Blasdel, Boniek, Boss Ribs, Dickenson, Lake, McGillvray, Mendenhall, Miller, Peterson, Randall, Sales, Smith, Sonju, Van Dyk, Wagner, Wiseman.

Total 16

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

HB 598, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.

Total 82

Nays: Berry, Caferro, Hoven, Lake, Mendenhall, Pomnichowski, Randall, Regier, Sales, Wagner, Wilmer.

Total 11

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

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Total 6

Absent or not voting: Stahl.

Total 1

HB 615, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson.

Total 80

Nays: Belcourt, Boniek, Caferro, Campbell, Jopek, Mendenhall, Miller, More, Pomnichowski, Van Dyk, Wagner, Warburton, Wiseman, Mr. Speaker.

Total 14

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

HB 653, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Boniek, Ingraham, Kerns, Mendenhall, Randall, Sales, Wagner.

Total 7

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

HB 655, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French,

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Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Reichner, Reinhart, Roberts, Sands, Sesso, Sonju, Stahl, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 79

Nays: Berry, Boniek, Hawk, Hoven, Kerns, Lake, Mendenhall, Miller, More, Randall, Regier, Sales, Smith, Stoker, Wagner.

Total 15

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: None.

Total 0

HJR 30 adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Kerns, Morgan, Peterson, Sales.

Total 4

Excused: Hiner, Howard, Kasten, Phillips, Roundstone, Steenson.

Total 6

Absent or not voting: Vincent, Welborn.

Total 2

Rep. O'Hara left the floor and is excused.

MOTIONS

Rep. Campbell moved to authorize the Speaker to appoint a conference committee for HB 622

Rep. Campbell withdrew her motion.

Rep. Taylor moved that **HB 187** be taken from the House Appropriations Committee and be placed on 2nd reading. Motion requires 3/5 majority vote. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Belcourt, Berry, Blasdel, Blewett, Boniek, Brown, Butcher, Caferro, Campbell, Furey, Getz, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Jones, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn,

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Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman.

Total 58

Nays: Barrett, P. Beck, Becker, Boland, Boss Ribs, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Jopek, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pomnichowski, Reinhart, Sands, Sesso, Van Dyk, Villa, Wilmer, Mr. Speaker.

Total 32

Excused: Augare, Bennett, Hiner, Howard, Kasten, O'Hara, Pease-Lopez, Phillips, Roundstone, Steenson.

Total 10

Absent or not voting: None.

Total 0

Rep. Butcher moved that **SB 81** be taken from the House Appropriations Committee and be placed on 2nd reading the 70th legislative day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Berry, Blasdel, Boniek, Brown, Butcher, French, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Jones, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 46

Nays: Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pomnichowski, Reinhart, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 44

Excused: Augare, Bennett, Hiner, Howard, Kasten, O'Hara, Pease-Lopez, Phillips, Roundstone, Steenson.

Total 10

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative D. Brown in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 23 - Conference Committee Report No. 1 - Representative Himmelberger moved the Conference Committee report to **HB 23** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner,

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Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

HB 221 - Senate Amendments - Representative Cohenour moved Senate amendments to **HB 221** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Ankney, P. Beck, Randall, Regier, Stahl, Van Dyk, Wagner.

Total 7

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

HB 290 - Senate Amendments - Representative Grinde moved Senate amendments to **HB 290** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

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Nays: Becker, Caferro, Kerns, Miller, Randall, Taylor, Wagner.
Total 7

Excused: Howard, Kasten.
Total 2

Absent or not voting: Stahl.
Total 1

HB 291 - Senate Amendments - Representative Sonju moved Senate amendments to **HB 291** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Berry, Boniek, Caferro.
Total 3

Excused: Howard, Kasten.
Total 2

Absent or not voting: Washburn.
Total 1

HB 622 - Senate Amendments - Representative Himmelberger moved Senate amendments to **HB 622** be **not** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: Bennett.
Total 1

Excused: Howard, Kasten.
Total 2

Absent or not voting: None.

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Total 0

SB 57 - Representative Hamilton moved **SB 57** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: Blasdel, Boniek, Hawk, Kerns, Lake, McGillvray, Mendenhall, Miller, Randall, Regier, Sales, Smith, Sonju, Stoker, Taylor, Wagner.

Total 16

Excused: Howard, Kasten.

Total 2

Absent or not voting: Hamilton.

Total 1

SB 58 - Representative Hamilton moved **SB 58** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 83

Nays: Blasdel, Boniek, Hawk, Kerns, McGillvray, Mendenhall, Miller, Randall, Regier, Reichner, Sales, Smith, Sonju, Warburton, Welborn.

Total 15

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

SB 95 - Representative Cohenour moved **SB 95** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan,

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Total 71

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Kerns, Klock, Lake, McGillvray, Mendenhall, More, Morgan, Nooney, Peterson, Randall, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Vance, Wagner, Warburton.

Total 27

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

SB 113 - Representative Vincent moved **SB 113** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 94

Nays: Kerns, Morgan.

Total 2

Excused: Howard, Kasten.

Total 2

Absent or not voting: Kottel, Mr. Speaker.

Total 2

SB 123 - Representative Wilmer moved **SB 123** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Peterson, Wagner.

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Total 2

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

SB 133 - Representative Hamilton moved **SB 133** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Boniek, Kerns, Kottel, More, Stoker.

Total 5

Excused: Howard, Kasten.

Total 2

Absent or not voting: Miller.

Total 1

SB 148 - Representative Ingraham moved **SB 148** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

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HB 312 - Representative B. Beck moved **HB 312** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Menahan, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Sands, Sesso, Smith, Steenson, Van Dyk, Villa, Wilmer, Wiseman, Mr. Speaker.

Total 62

Nays: Ankney, Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Ingraham, Jones, Kerns, Klock, Lake, MacLaren, Mehlhoff, Mendenhall, Milburn, Miller, Morgan, Nooney, Randall, Reichner, Roberts, Roundstone, Sales, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson.

Total 36

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

HB 361 - Representative Wiseman moved **HB 361** do pass. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 52

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Jones, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 46

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

HB 657 - Representative Stahl moved **HB 657** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor,

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Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Kerns.

Total 1

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

HB 670 - Representative Vincent moved **HB 670** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 93

Nays: Caferro, Kerns, Pomnichowski, Roundstone, Wiseman.

Total 5

Excused: Howard, Kasten.

Total 2

Absent or not voting: None.

Total 0

Representative French moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chair D. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: Sales, Vance, Wagner.

Total 3

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Excused: Augare, Bennett, Hiner, Howard, Kasten, O'Hara, Pease-Lopez, Phillips, Roundstone, Steenson.
Total 10

Absent or not voting: Brown, Welborn.
Total 2

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):
HB 656, introduced bill, be amended as follows:

3/28/2009

1. Title, line 5 through line 6.
Strike: "REQUIRING" on line 5 through "REVENUE;" on line 6

2. Page 1, line 14 through line 16.
Strike: Section 1 in its entirety
Renumber: subsequent section

3. Page 3, line 1.
Strike: "adjust"
Insert: "determine"

4. Page 3, line 2.
Following: "by"
Insert: "using"

And, as amended, do pass. Report adopted.

HB 662, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "PROVIDING" through "LICENSE;"

2. Page 2, line 10.
Following: "include"
Insert: "providing examinations for the purpose of"
Following: "diagnosis"
Insert: ", providing treatments that are outside the scope of the massage therapy,"

3. Page 2, line 11.
Strike: "manual therapy or"

4. Page 2, line 12.
Following: "tape,"
Insert: "manual or"
Following: "traction"
Insert: "when applied to the spine or extremities for the purposes of joint mobilization or manipulation"

5. Page 3, following line 24.
Insert: "(5) adopt rules establishing reasonable requirements for continuing education, which must require 12 hours

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of continuing education to be completed in each 2-year period;"

Renumber: subsequent subsections

6. Page 4, line 19.

Strike: "transitional"

Strike: "as provided for in"

Insert: "under"

7. Page 4, line 20.

Strike: "[sections 1 through 10]"

Insert: "[section 8]"

8. Page 5, line 2.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

9. Page 5, line 12.

Strike: "Transitional licensure"

Insert: "Initial licensure -- grandfather clause"

10. Page 5, line 13.

Strike: "transitional" in two places

11. Page 5, line 15.

Strike: "transitional"

12. Page 5, line 16.

Following: "license"

Insert: "under this section"

13. Page 5, line 17 through line 21.

Strike: subsection (2) in its entirety

Insert: "(2) (a) A license issued under this section is valid for the same initial period as a license issued under [section 8] and is subject to the same renewal requirements and renewal fees as a license issued under [section 8].

(b) A person may not apply for licensure under this section after July 1, 2012."

And, as amended, do pass. Report adopted.

SB 351, be amended as follows:

1. Title, line 7.

Following: "BROKERS"

Insert: ", MORTGAGE LENDERS,"

2. Title, line 8.

Strike: "AND"

Insert: ", "

3. Title, line 9.

Following: "LENDERS"

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Insert: ", AND MORTGAGE LOAN ORIGINATORS"

4. Title, line 10.

Strike: "32-9-108,"

5. Title, line 11.

Following: "32-9-110,"

Strike: "32-9-115,"

6. Title, line 11.

Following: "32-9-124,"

Insert: "32-9-125,"

7. Title, line 12.

Following: "SECTIONS"

Insert: "32-9-108, 32-9-115, 32-9-119,"

8. Title, line 16.

Strike: "AND A TERMINATION DATE"

9. Page 2, line 6.

Following: "originator"

Insert: "with respect to any residential real estate located in Montana"

10. Page 2, line 11.

Following: "person"

Strike: "licensed"

Insert: "acting"

11. Page 2, line 12.

Strike: "or who is employed as a registered mortgage loan originator"

Following: "required to"

Strike: "register"

Insert: "be licensed and registered"

12. Page 2, line 13.

Following: "registry"

Insert: "by the date set forth in [section 6(4)]"

13. Page 2, line 18.

Following: "of a"

Insert: "residential mortgage"

Following: "loan"

Strike: "in the mortgage industry"

14. Page 2, line 26.

Following: "person"

Strike: "or entity"

15. Page 2, line 29 through line 30.

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Strike: "an" on line 29 through "lending" on line 30

Insert: "a person seeking a residential mortgage loan"

16. Page 3, following line 1.

Insert: "(7) (a) "Control" means the power, directly or indirectly, to direct the management or policies of an entity, whether through ownership of securities, by contract, or otherwise.

(b) A person is presumed to control an entity if that person:

- (i) is a director, general partner, or executive officer;
- (ii) directly or indirectly has the right to vote 10% or more of a class of a voting security or has the power to sell or direct the sale of 10% or more of a class of voting securities;
- (iii) in the case of a limited liability company, is a managing member; or
- (iv) in the case of a partnership, has the right to receive upon dissolution or has contributed 10% or more of the capital."

Renumber: subsequent subsections

17. Page 3, line 6 through line 10.

Strike: "an" on line 6 through "LOANS" on line 10

Insert: "a mortgage loan originator with at least 3 years of experience as a mortgage loan originator or registered mortgage loan originator who is designated by an entity as the individual responsible for the operation of a particular location that is under the designated manager's full management, supervision, and control"

18. Page 3, line 11.

Following: "organization,"

Strike: "other than"

Insert: "including"

19. Page 3, line 11 through line 12.

Following: "proprietorship"

Strike: "or" on line 11 through "services" on line 12

20. Page 3, following line 12.

Insert: "(12) "Escrow account" means a depository account with a financial institution that provides deposit insurance and that is separate and distinct from any personal, business, or other account of the mortgage lender and is maintained solely for the holding and payment of escrow funds.

(13) "Escrow funds" means funds entrusted to a mortgage lender by a borrower for payment of taxes, insurance, or other payments to be made in connection with the servicing of a loan."

Renumber: subsequent subsections

21. Page 3, line 19 through line 20.

Strike: subsection (13) in its entirety

Renumber: subsequent subsections

22. Page 3, following line 26.

Insert: "(18) "Loan commitment" means a statement transmitted in writing or electronically by a mortgage lender setting forth the terms and conditions upon which the mortgage lender is willing to make a particular residential mortgage loan to a particular borrower."

Renumber: subsequent subsections

23. Page 3, line 27.

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Following: "tasks"

Insert: "as an employee"

24. Page 3, line 29 through line 30.

Strike: "mortgage broker" on line 29 through "originator" on line 30

Insert: "licensed mortgage loan originator or registered mortgage loan originator"

25. Page 4, line 8.

Following: "(18)"

Insert: "(a)"

26. Page 4, line 8 through line 12.

Following: "means" on line 8

Strike: "a person" on line 8 through "registry" on line 12

Insert: "an entity that obtains, attempts to obtain, or assists in obtaining a mortgage loan for a borrower from a mortgage lender in return for consideration or in anticipation of consideration.

(b) For purposes of this subsection (21), attempting to or assisting in obtaining a mortgage loan includes referring a borrower to a mortgage lender or mortgage broker, soliciting or offering to solicit a mortgage loan on behalf of a borrower, or negotiating or offering to negotiate the terms or conditions of a mortgage loan with a mortgage lender on behalf of a borrower"

27. Page 4, line 13 through line 27.

Strike: "a person" on line 13 through "administration" on line 27

Insert: "an entity that closes a residential mortgage loan, advances funds, offers to advance funds, or commits to advancing funds for a mortgage loan applicant"

28. Page 4, line 28 through page 5, line 1.

Following: "who"

Strike: "is" on page 4, line 28 through "underwriter." on page 5, line 1

Insert: "for compensation or gain or in the expectation of compensation or gain:

(i) takes a residential mortgage loan application; or

(ii) offers or negotiates terms of a residential mortgage loan.

(b) The term does not include an individual:

(i) engaged solely as a loan processor or underwriter, except as provided in [section 5]; or

(ii) involved solely in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C.

101(53D)."

29. Page 5, line 9 through line 10.

Following: "registration of" on line 9

Strike: "PERSONS" on line 9 through "INCLUDING" on line 10

30. Page 5, line 14 through line 30.

Strike: strike subsection (24) in its entirety

Renumber: subsequent subsections

31. Page 6, line 1.

Following: "individual."

Insert: "sole proprietorship,"

32. Page 6, line 10.

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Strike: "or"

33. Page 6, line 12.

Following: "law"

Insert: "; or

(e) offering to engage in any activity or act in any capacity described in subsections (28)(a) through (28)(d)"

34. Page 6, line 14 through line 22.

Strike: subsections (a) and (b) in their entirety

Insert: "(a) meets the definition of mortgage loan originator and is an employee of:

(i) a depository institution;

(ii) a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; or

(iii) an institution regulated by the farm credit administration; and

(b) is registered with and maintains a unique identifier through the nationwide mortgage licensing system and registry."

35. Page 6, line 25.

Strike: "regulation Z"

Insert: "section 103(v)"

Strike: "12 CFR 226.2"

Insert: "15 U.S.C. 1602(v),"

36. Page 7, following line 2.

Insert: "(33) "Ultimate equity owner" means an individual who, directly or indirectly, owns or controls an ownership interest in a corporation, a foreign corporation, an alien business organization, or any other form of business organization, regardless of whether the individual owns or controls an ownership interest, individually or in any combination, through one or more persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint-stock companies, or other entities or devices."

Renumber: subsequent subsection

37. Page 7, line 27 through page 8, line 5.

Strike: subsections (a) and (b) in their entirety

Insert: "(a) an entity that is an agency of the federal, state, or municipal government;

(b) an entity described in 32-9-103(29)(a)(i) through (29)(a)(iii);"

38. Page 8, line 6 through line 9.

Strike: "and the employer" on line 6 through "applies" on line 9

Insert: "when acting for an entity described in 32-9-103(29)(a)(i) through (29)(a)(iii)"

39. Page 8, line 10 through line 13.

Strike: subsection (D) in its entirety

Renumber: subsequent subsections

40. Page 8, line 21.

Following: "MADE BY"

Strike: "A PERSON"

Insert: "an entity"

Strike: "THAT PERSON"

Insert: "the entity"

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41. Page 8, line 23.

Strike: "A PERSON"

Insert: "an entity"

Strike: "NONRESIDENTIAL OR"

42. Page 8, line 24.

Strike: "A PERSON"

Insert: "an entity"

43. Page 9, line 14.

Following: "DEPARTMENT"

Insert: "or the secretary of housing and urban development"

44. Page 9, line 15.

Following: "DEPARTMENT"

Insert: "or the secretary of housing and urban development"

Following: "DETERMINES"

Insert: "by guideline, interpretation, or rule"

45. Page 9, line 25.

Strike: "RESIDENTIAL"

46. Page 9, line 26 through line 27.

Strike: "A MORTGAGE" on line 26 through "OR" on line 27

47. Page 9, line 28.

Strike: "A MORTGAGE BROKER OR"

48. Page 10, line 1 through line 8.

Strike: Section 6 in its entirety

Insert: "NEW SECTION. **Section 6. Overall licensing requirements for mortgage brokers, mortgage lenders, and mortgage loan originators.** (1) The department is authorized to participate in the nationwide mortgage licensing system and registry and shall require mortgage lenders, mortgage brokers, and mortgage loan originators to apply for state licensure on applications approved by the nationwide mortgage licensing system and registry by the dates set forth in subsection (4).

(2) The department may establish requirements as necessary to comply with the nationwide mortgage licensing system and registry, including:

(a) payment of nonrefundable fees to apply for, maintain, and renew licenses through the nationwide mortgage licensing system and registry;

(b) renewal or reporting dates;

(c) procedures for amending or surrendering a license; and

(d) requirements pertaining to any other activity necessary for participation in the nationwide mortgage licensing system and registry.

(3) The state portion of the licensing fees collected by the nationwide mortgage licensing system and registry under this section must be deposited into the department's account in the state special revenue fund to be used for administering this part.

(4) In order to facilitate an orderly transition to licensing and minimize disruption in the mortgage marketplace, the implementation date of subsection (1) is:

(a) April 1, 2010, for all new applicants applying after [the effective date of this act];

(b) June 30, 2010, for all licensees with current licenses as of [the effective date of this act]; and

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(c) for mortgage servicer loss mitigation specialists, if not exempt under 32-9-104(2), a date as set by the department by rule.

(5) The provisions of this part apply to the activities of retail sellers of manufactured homes and recreational vehicles to the extent determined by the United States department of housing and urban development through guidelines, regulations, or interpretive letters."

49. Page 10, line 10 through line 12.

Strike: Section 7 in its entirety

Insert: "NEW SECTION. **Section 7. Dual licensure.** An entity may be simultaneously licensed as a mortgage lender and a mortgage broker provided that the entity meets all requirements for licensure as a mortgage lender and a mortgage broker."

50. Page 10, line 14.

Strike: "mortgage brokers and"

51. Page 10, line 15.

Following: "."

Insert: "(1)"

Strike: "a mortgage broker's license or"

52. Page 10, line 17.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

53. Page 10, following line 20.

Insert: "(2) The prelicensing education courses that comply with the requirements of subsection (1) and that are approved by the nationwide mortgage licensing system and registry for any other state must be accepted with respect to the completion of prelicensing education requirements in Montana.

(3) If allowed by the nationwide mortgage licensing system and registry, the department is authorized to certify to the nationwide mortgage licensing system and registry that continuing education hours that were previously approved by the department have been completed by a mortgage loan originator."

54. Page 10, line 23.

Following: "individual"

Strike: "applying for a license as a mortgage broker"

Insert: "may not act as a designated manager"

55. Page 10, line 24.

Strike: "must have"

Insert: "without"

56. Page 11, line 1.

Strike: "mortgage brokers and"

57. Page 11, line 2.

Following: "seeking a"

Strike: "mortgage broker's license"

Following: "seeking"

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Strike: "or a"

58. Page 11, line 15.

Following: "registry"

Strike: "and adopted by the department"

59. Page 11, line 26 through line 28.

Strike: subsection (5) in its entirety

Insert: "(5) An individual may retake a test three consecutive times with each consecutive test being taken at least 30 days after the previous testing date.

(6) An individual who fails three consecutive tests may not take the test for at least 6 months from the date of failing the third test.

(7) A licensed mortgage loan originator who fails to maintain a valid license for a period of 5 years shall retake the test. The 5-year period may not take into account any time during which the person is a registered mortgage loan originator."

60. Page 11, line 30 through page 13, line 12.

Strike: Section 11 in its entirety

Insert: "NEW SECTION. Section 11. Application for mortgage broker, mortgage lender, and mortgage loan originator license. (1) An applicant under this part shall apply for a state license in a form prescribed by the department that complies with the requirements of the nationwide mortgage licensing system and registry. Each form must contain content as set forth by the nationwide mortgage licensing system and registry and may be changed or updated by the department as necessary to comply with the nationwide mortgage licensing system and registry.

(2) The department may establish a relationship or contract with the nationwide mortgage licensing system and registry or another entity designated by the nationwide mortgage licensing system and registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this part.

(3) An applicant shall furnish information to the nationwide mortgage licensing system and registry concerning the applicant's identity, including but not limited to:

(a) fingerprints for submission to the federal bureau of investigation and any governmental agency or entity authorized to receive information for a state, national, and international criminal history background check;

(b) legal name, birth date, and social security number for submission to the criminal investigation bureau of the Montana department of justice as authorized for a state criminal history background check; and

(c) personal history and experience in a form prescribed by the nationwide mortgage licensing system and registry, including submission of authorization for the nationwide mortgage licensing system and registry and the department to obtain:

(i) an independent credit report from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. 1681a(p); and

(ii) information related to administrative, civil, or criminal findings by a governmental jurisdiction.

(4) To reduce the points of contact that the federal bureau of investigation may be required to maintain for purposes of subsection (3), the department may use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to the United States department of justice or other governmental agencies.

(5) To reduce the points of contact that the department may be required to maintain for purposes of subsection (3), the department may use the nationwide mortgage licensing system and registry as a channeling agent for requesting and distributing information to and from any source directed by the department.

(6) The department shall issue a license to an applicant that has met all the requirements of this section, has paid the fee required under 32-9-117, and is not determined ineligible under [section 17]."

61. Page 13, line 14 through page 15, line 1.

Strike: Section 12 in its entirety

Insert: "NEW SECTION. Section 12. Application for licensure. In order for an entity to be considered for state

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licensure, each of the following is required to independently meet the requirements established in [section 17(1)(a) through (1)(d)]:

- (1) ultimate equity owners of 25% or more of the applicant if the equity owners are individuals;
- (2) control persons of the applicant if the control persons are individuals; and
- (3) individuals that control, directly or indirectly, the election of 25% or more of the members of the board of directors of the entity."

62. Page 15, line 4.

Strike: "Application" through "employment"

Insert: "Employment"

63. Page 15, line 5 through page 16, line 4.

Strike: subsections (1) through (3) in their entirety

Renumber: subsequent subsections

64. Page 16, line 5.

Following: "OR"

Strike: "AN"

Insert: "one"

65. Page 16, line 13.

Following: "termination"

Insert: "and remove sponsorship of the mortgage loan originator on the nationwide mortgage licensing system and registry within 5 business days of the termination"

66. Page 16, line 14 through line 15.

Strike: "submitting" on line 14 through "along with" on line 15

Insert: "complying with the nationwide mortgage licensing system and registry procedures and paying"

67. Page 16, line 15.

Following: "The"

Strike: "return"

Insert: "removal of sponsorship"

68. Page 16, line 16.

Following: "originator"

Strike: "to the department"

69. Page 16, line 18.

Following: "until"

Strike: "department"

Insert: "nationwide mortgage licensing system and registry"

Following: "followed to"

Strike: "reinstate"

Insert: "sponsor"

70. Page 16, line 19.

Following: "been"

Strike: "returned to the department"

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Insert: "removed from sponsorship"

71. Page 16, following line 20.

Insert: "NEW SECTION. **Section 14. Provisional licenses and previously licensed persons.** The department may establish by rule licensing requirements, fees, and interim procedures for licensing and acceptance of applications for the purposes of implementing an orderly and efficient licensing process. The department may by rule establish expedited review and licensing procedures for a previously licensed person."

Renumber: subsequent sections

72. Page 16, line 24.

Following: "(1)(b),"

Strike: "an individual mortgage broker or"

73. Page 16, line 26.

Strike: "\$450"

Insert: "\$400"

74. Page 16, line 27.

Strike: "individual mortgage lender or an"

75. Page 17, line 1.

Strike: "(i)"

Following: "mortgage"

Strike: "broker"

Insert: "loan originator"

76. Page 17, line 4 through line 5.

Strike: subsection (ii) in its entirety

77. Page 17, line 7.

Following: "period"

Strike: "and" through "31"

Following: "A"

Insert: "state"

78. Page 17, line 7 through line 8.

Following: "shall" on line 7

Strike: ", " on line 7 through "year," on line 8

79. Page 17, line 8.

Following: "to the"

Strike: "department"

Insert: "nationwide mortgage licensing system and registry"

80. Page 17, line 10.

Strike: "subsections"

Insert: "subsection"

81. Page 17, line 11.

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Strike: "(i) and (1)(b)(ii)"

Following: the second "(1)(b)"

Strike: "(i)"

82. Page 17, line 14.

Following: "prescribed"

Insert: "means the license"

83. Page 17, line 14 through line 15.

Following: "automatically"

Strike: "revokes" on line 14 through "license" on line 15

Insert: "expires. The department may adopt procedures for reinstatement of expired licenses that are consistent with the standards established by the nationwide mortgage licensing system and registry"

84. Page 17, line 19.

Following: "PART"

Insert: "and that the licensee has paid all fees for renewal of the license"

85. Page 17, line 20.

Strike: "All"

Insert: "The state portion of the"

86. Page 17, line 23.

Following: "shall"

Strike: "provide" through "by"

Insert: "apply for state licensure on an application form approved by"

87. Page 17, line 28.

Following: "to the"

Strike: "department"

Insert: "nationwide mortgage licensing system and registry"

88. Page 17, line 29 through line 30.

Following: "shall" on line 29

Strike: "provide" on line 29 through "simultaneously" on line 30

89. Page 18, line 7.

Following: "INFORMATION"

Strike: "TO ALLOW A SUPPLEMENTAL"

Insert: "for a"

90. Page 18, line 9.

Following: "NUMBER"

Insert: "for submission to the criminal investigation bureau of the Montana department of justice as authorized for a state criminal history background check"

91. Page 18, line 10.

Following: "experience"

Insert: "in a form prescribed by the nationwide mortgage licensing system and registry"

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92. Page 18, following line 14.

Insert: "(2) To reduce the points of contact that the federal bureau of investigation may be required to maintain for purposes of subsection (1), the department may use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to the United States department of justice or other governmental agencies.

(3) To reduce the points of contact that the department may be required to maintain for purposes of subsection (1), the department may use the nationwide mortgage licensing system and registry as a channeling agent for requesting and distributing information to and from any source directed by the department."

Renumber: subsequent subsections

93. Page 18, line 15.

Following: "to the"

Strike: "department"

Insert: "nationwide mortgage licensing system and registry"

94. Page 18, line 18.

Strike: "(i)"

95. Page 18, line 19.

Strike: "their"

Insert: "the"

Following: "jurisdiction"

Strike: ";

Insert: ". A subsequent formal vacation of a revocation means that the revocation may not be considered a revocation. The department may by order vacate a revocation of a license and enter an appropriate order."

96. Page 18, line 20 through line 27.

Strike: subsection (ii) in its entirety

97. Page 18, line 28.

Following: "or"

Strike: "plead"

Insert: "pled"

98. Page 19, line 1.

Following: "laundering"

Strike: ";

Insert: ". The pardon of a conviction is not a conviction for the purposes this subsection (2)(b)."

99. Page 19, line 4.

Strike: ". "

Insert: ";

100. Page 19, following line 4.

Insert: "(d) the applicant has not met the surety bond or net worth requirement as required pursuant to 32-9-123;
(e) the applicant has not completed the preclicensing education requirement described in [section 8];
(f) the applicant has not passed a written test that meets the test requirements described in 32-9-110;
(g) the applicant made a material misstatement of fact or material omission of fact in the application."

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101. Page 19, line 10 through page 20, line 6.

Strike: Section 16 in its entirety

Renumber: subsequent sections

102. Page 20, line 12.

Strike: "(i)"

103. Page 20, line 13.

Following: "jurisdiction"

Strike: ";"

Insert: ". A subsequent formal vacation of a revocation means that the revocation may not be considered a revocation. The department may by order vacate a revocation of a license and enter an appropriate order."

104. Page 20, line 14 through line 21.

Strike: subsection (ii) in its entirety

105. Page 20, line 22.

Following: "or"

Strike: "plead"

Insert: "pled"

106. Page 20, line 25.

Following: "laundering"

Strike: ";"

Insert: ". The pardon of a conviction is not a conviction for the purposes of this subsection (1)(b)."

107. Page 20, line 28.

Strike: ". "

Insert: ";"

108. Page 20, following line 28.

Insert: "(d) the applicant has not met the surety bond or net worth requirement as required pursuant to 32-9-123;
(e) the applicant has not completed the preclicensing education requirement described in [section 8];
(f) the applicant has not passed a written test that meets the test requirements described in 32-9-110;
(g) the applicant made a material misstatement of fact or material omission of fact in the application."

109. Page 21, line 3 through line 7.

Strike: subsection (3) in its entirety

110. Page 21, line 10 through line 11.

Strike: "and" on line 10 through the first "brokers" on line 11

111. Page 21, line 11.

Following: ". "

Insert: "(1)"

112. Page 21, line 11.

Strike: "and all individual mortgage brokers"

113. Page 21, line 12.

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Strike: "department"

Insert: "nationwide mortgage licensing system and registry"

114. Page 21, following line 14.

Insert: "(2) The 12 hours of education must include at least:

(a) 3 hours of training on federal laws and regulations;
(b) 2 hours of training in ethics, including instruction on fraud prevention, consumer protection, and fair lending issues; and

(c) 2 hours of training related to lending standards for the nontraditional mortgage product marketplace.

(3) A person who has successfully completed the education requirements that comply with the requirements of subsection (1) and that are approved by the nationwide mortgage licensing system and registry for any other state must be given credit toward completion of continuing education requirements in Montana.

(4) A licensed mortgage loan originator who subsequently becomes unlicensed shall complete the continuing education requirements for the last year in which the license was held prior to issuance of a new or renewed license."

115. Page 21, line 21.

Following: "account"

Insert: "or escrow account"

116. Page 21, line 26.

Following: "~~Montana.~~"

Insert: "Whenever a licensee's usual business location is outside of this state the licensee shall, at its election, either maintain its books and records at a location in this state or reimburse the department for expenses incurred, including but not limited to staff time, transportation, food, and lodging expenses, relating to an examination or investigation under this part."

117. Page 21, line 29.

Following: "account"

Insert: "or escrow account"

118. Page 22, line 15.

Following: "office"

Strike: "and shall register with"

Insert: "through"

119. Page 22, line 17.

Following: "to the"

Strike: "department"

Insert: "nationwide mortgage licensing system and registry"

120. Page 22, line 18.

Following: "mortgage"

Strike: "broker"

Insert: "loan originator"

121. Page 22, line 21.

Strike: "department"

Insert: "nationwide mortgage licensing system and registry for each office that originates a residential mortgage loan"

122. Page 22, line 22.

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Strike: "broker"

Insert: "loan originator"

Following: "office"

Strike: "and each branch location"

Insert: "and shall designate a separate designated manager to serve each branch location"

123. Page 22, line 23.

Strike: "a mortgage broker,"

124. Page 22, line 24.

Following: the first "originator"

Strike: " z "

Following: "registered"

Insert: "mortgage"

125. Page 23, line 4 through line 5.

Strike: ", each" on line 4 through "broker," on line 5

126. Page 23, line 8.

Following: "mortgage"

Strike: "lender"

Insert: "loan originator"

127. Page 23, line 9.

Following: "information"

Strike: "in writing to the department"

Insert: "to the nationwide mortgage licensing system and registry"

128. Page 23, line 12.

Following: "termination"

Insert: "and remove the sponsorship of the designated manager on the nationwide mortgage licensing system and registry within 5 business days of the termination"

129. Page 23, line 14.

Following: "BROKER"

Strike: "OR"

Insert: ", "

Following: "LENDER"

Insert: ", or mortgage loan originator"

130. Page 23, line 15.

Following: "FOR A"

Insert: "mortgage broker,"

Following: "LENDER"

Insert: ", or mortgage loan originator"

131. Page 24, line 8 through line 12.

Strike: subsection (1)(a) in its entirety

Insert: "(1) (a) A mortgage loan originator must be covered by a surety bond in accordance with this section. If a mortgage loan originator is an employee of or exclusive agent for a licensed mortgage lender or mortgage

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broker, the surety bond of the licensed mortgage lender or mortgage broker may be used in lieu of a mortgage loan originator's surety bond."

132. Page 24, line 17.

Following: "broker"

Strike: "or"

Insert: ", "

Following: "lender"

Insert: ", or mortgage loan originator"

133. Page 24, line 22.

Following: "residential"

Insert: "mortgage"

134. Page 25, line 10.

Following: "requirement"

Insert: "provided that the actual net worth determined in the department of housing and urban development's approval is equivalent to the bond amount set forth for the corresponding dollar amount range set forth in subsections (2)(b)(i) through (2)(b)(iii)"

135. Page 25, following line 17.

Insert: "NEW SECTION. Section 23. Escrow fund. (1) An escrow fund authorized for any purpose by a mortgage loan contract is subject to applicable state and federal requirements. Money received from a borrower by a mortgage lender licensed under this part must be considered as held in trust immediately upon receipt. The mortgage lender shall place escrow funds in a depository institution prior to the end of the third business day following their receipt.

(2) An escrow fund account must be a separate account established to hold only borrowers' funds. The account must be designated and maintained for the benefit of borrowers. Escrow funds may not be commingled with any other funds.

(3) Escrow funds must be kept in the segregated account until disbursement. Money maintained in an escrow fund account is exempt from execution, attachment, or garnishment.

(4) A licensee may not encumber the corpus of an escrow fund account or commingle other operating funds with account funds.

(5) An escrow fund account may be used only for:

(a) a payment authorized by the borrower or the mortgage loan contract or required by federal or state law;

(b) a refund to the borrower;

(c) transfer to a depository institution;

(d) transfer to the appropriate mortgage lender or mortgage servicer in the case of a transfer of servicing;

(e) a purpose authorized by the mortgage loan contract; or

(f) purposes of complying with an order issued by the commissioner or a court.

(6) Accounting for escrow funds must be performed in compliance with the aggregate accounting rules established in regulation X, 24 CFR 3500, and in compliance with 71-1-115."

Insert: "NEW SECTION. Section 24. Disclosure of mortgage costs by mortgage lender. (1) Within 3 business days of taking a mortgage loan application and prior to receiving any consideration from the borrower, the mortgage lender shall disclose the terms of the loan to the borrower in compliance with the disclosure requirements of the federal Real Estate Settlement Procedures Act, 12 U.S.C. 2601, et seq., the federal Truth in Lending Act, 15 U.S.C. 1601, et seq., and any regulations promulgated under those acts.

(2) A mortgage lender shall disclose the terms of any prepayment penalty on the mortgage loan, including the amount of the prepayment penalty or the formula for calculating the prepayment penalty. If the initial mortgage loan offer does not include a prepayment penalty, but a prepayment penalty is later included in the mortgage loan

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offer, disclosure of the terms of the prepayment penalty must be made within 3 business days of the prepayment penalty being added to the mortgage loan offer.

(3) A licensed mortgage lender may not require a borrower to pay any fees or charges prior to the mortgage loan closing, except:

(a) charges to be incurred by the mortgage lender on behalf of the borrower for services from third parties necessary to process the application, such as credit reports and appraisals;

(b) an application fee;

(c) an interest rate lock-in fee if the borrower is provided an interest rate lock-in agreement, the terms of which must include but are not limited to:

(i) the expiration date of the interest rate lock-in agreement;

(ii) the principal amount of the mortgage loan, the term of the mortgage loan, and identification of the residential real estate;

(iii) the initial interest rate and the discount points to be paid; and

(iv) the amounts and payment terms of the interest rate lock-in, along with a statement as to whether the fee is refundable and the terms and conditions necessary to obtain a refund; and

(d) a loan commitment fee, upon approval of the mortgage loan application, if the borrower is provided with a loan commitment in writing that it is signed by the mortgage lender and the borrower and the terms include the terms and conditions of the mortgage loan as well as the terms and conditions of the loan commitment, including but not limited to:

(i) the time period during which the loan commitment is irrevocable and may be accepted by the borrower, which may not be less than 7 calendar days from the date of the loan commitment or the date of mailing, whichever is later;

(ii) the amount and payment terms of the loan commitment fee, along with a statement as to whether the fee is refundable and the terms and conditions necessary to obtain a refund;

(iii) the expiration date of the loan commitment;

(iv) conditions precedent to closing; and

(v) the terms and conditions, if any, for obtaining a refund of fees for third-party services or arranging for the transfer of third-party service work products to another mortgage lender.

(4) Any amount collected under subsection (3) in excess of the actual costs must be returned to the borrower within 60 days after rejection, withdrawal, or closing.

(5) (a) Except as provided in subsection (5)(b), fees or charges collected pursuant to this section, other than fees for third-party services collected pursuant to subsection (3)(a), must be refunded if a valid loan commitment is not produced or if closing does not occur.

(b) Applicable fees may be retained by the licensee in accordance with the terms of the loan commitment upon the licensee's ability to demonstrate any of the following:

(i) the borrower withdraws the mortgage loan application after the lender has issued a loan commitment on the same terms and conditions disclosed to the borrower on the most recent good faith estimate;

(ii) the borrower has made a material misrepresentation or omission on the mortgage loan application; or

(iii) the borrower has failed to provide documentation necessary to the processing or closing of the mortgage loan application and closing does not occur without fault of the lender."

Renumber: subsequent sections

136. Page 26, line 8.

Strike: "if" through "CONDUCTS"

Insert: "conduct"

137. Page 26, following line 18.

Insert: "(2) A mortgage lender may not do any of the following:

(a) cause or require a borrower to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer;

(b) disburse the mortgage loan proceeds to a closing agent in any form other than, as applicable:

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- (i) direct deposit to a borrower's account;
- (ii) wire;
- (iii) bank or certified check;
- (iv) attorney's check drawn on a trust account; or
- (v) other form as specifically authorized by applicable law;
- (c) disburse the proceeds of a mortgage loan without sufficient collected funds on hand at the time of the disbursement in the account upon which the funds are drawn;
- (d) fail to disburse funds in accordance with a loan commitment to make a mortgage loan that was accepted by the borrower;
- (e) fail to take the actions required to affect a release of the lender's security interest in the property as described in 71-1-212;
- (f) advertise that a mortgage applicant will have unqualified access to credit without disclosing what material limitations on the availability of credit exist, such as the percentage of down payment required, that a higher rate or points could be required, or that restrictions as to the maximum principal amount of the mortgage loan offered could apply;
- (g) advertise a mortgage loan for which a prevailing rate is indicated in the advertisement unless the advertisement specifically states that the expressed rate could change or not be available at commitment or closing;
- (h) advertise mortgage loans, including rates, margins, discounts, points, fees, commissions, or other material information, including material limitations on mortgage loans, unless the person is able to make advertised mortgage loans to a reasonable number of qualified applicants; or
- (i) falsely advertise or misuse names in violation of 18 U.S.C. 709."

Renumber: subsequent subsections

138. Page 26, line 19.

Following: "the"

Strike: "mortgage broker OR"

139. Page 26, line 20.

Strike: "licensee"

Insert: "working for a mortgage broker"

140. Page 26, line 24.

Following: "licensed mortgage"

Strike: "broker"

Insert: "loan originator"

Strike: "brokerage"

Insert: "loan origination"

141. Page 27, line 22.

Following: "the"

Strike: "mortgage broker or"

142. Page 27, following line 22.

Insert: "Section 26. Section 32-9-125, MCA, is amended to read:

"32-9-125. Trust accounts -- bona fide third-party fees. (1) Every mortgage broker and mortgage lender doing business in this state shall:

(a) maintain a trust account at a federally insured financial institution ~~located in this state whose deposits or shares are insured~~, and the trust account funds may not be commingled with any other funds of the mortgage broker or mortgage lender;

(b) deposit into the trust account any bona fide third-party fee that the mortgage broker or mortgage lender

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receives; and

(c) pay third-party fees to a bona fide third party from the ~~mortgage broker's~~ trust account unless the borrower, the seller, or another person involved in the transaction pays the bona fide third party directly.

(2) A mortgage broker or mortgage lender may not charge or receive, directly or indirectly, fees for assisting a borrower in obtaining a mortgage until all of the services that the mortgage broker or mortgage lender has agreed to perform for the borrower are completed. A mortgage broker or mortgage lender may not charge a residential loan application fee in excess of the amount allowed by federal law. Prior to completion of services, the fees provided for in subsection (3) incurred by a bona fide third party in assisting the borrower to obtain a mortgage must be paid.

(3) The following fees must be paid by the borrower, the seller, or another person involved in the transaction directly to the bona fide third party providing the services or must be paid by the borrower, the seller, or another person involved in the transaction to the mortgage broker or mortgage lender for payment of services performed by the bona fide third party:

- (a) credit report fees;
- (b) notary fees;
- (c) title search, appraisal, or survey fees;
- (d) rate-lock fees not exceeding 3% of the mortgage loan amount; and
- (e) fees paid directly by the borrower, the seller, or another person involved in the transaction to a state or federal government agency or instrumentality for purposes of processing a mortgage application relating to a government-sponsored or guaranteed mortgage program.

(4) The department shall by rule define the meaning of "another person involved in the transaction". ""

Renumber: subsequent sections

143. Page 27, line 25.

Following: "suspension,"

Insert: "conditioning,"

144. Page 27, line 27.

Following: "suspension"

Insert: ", conditioning,"

145. Page 27, line 28.

Following: "suspend"

Insert: ", condition,"

146. Page 28, line 4.

Following: "suspended"

Strike: "or revoked"

147. Page 28, following line 7.

Insert: "(5) The department may by order vacate a revocation of a license and enter an appropriate order."

148. Page 29, line 20 through line 22.

Strike: subsection (4)(a) in its entirety

Insert: "(4) (a) For the purposes of investigating violations or complaints arising under this part or for the purposes of examination, the department may review, investigate, or examine any licensee or person subject to this part as often as necessary in order to carry out the purposes of this part.

(b) The commissioner may direct, subpoena, or order the attendance of and may examine under oath any person whose testimony may be required about the subject matter of any examination or investigation and may direct, subpoena, or order the person to produce books, accounts, records, files, and any other documents the commissioner considers relevant to the inquiry.

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(5) Each licensee or person subject to this part shall make available to the department upon request the documents and records relating to the operations of the licensee or person. The department may access the documents and records and may interview the officers, principals, mortgage loan originators, employees, independent contractors, agents, customers of the licensee or person concerning the business of the licensee or person, or any other person having knowledge the department considers relevant.

(6) (a) The department may conduct investigations and examinations for the purposes of initial licensing, license renewal, license suspension, license conditioning, license revocation, or license termination or to determine compliance with this part.

(b) The department has the authority to access, receive, and use any books, accounts, records, files, documents, information, or evidence, including but not limited to:

(i) criminal, civil, and administrative history information, including confidential criminal justice information as defined in 44-5-103;

(ii) personal history and experience information, including independent credit reports obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. 1681, et seq.; and

(iii) any other documents, information, or evidence the department considers relevant to an inquiry or investigation regardless of the location, possession, control, or custody of the documents, information, or evidence."

149. Page 29, line 25.

Strike: "(B)"

Insert: "(7)(a)"

Strike: "INVESTIGATION OR"

Following: "EXAMINATION"

Insert: "or investigation"

150. Page 29, line 27.

Strike: "INSPECTION OR"

Following: "EXAMINATION"

Insert: "or investigation"

151. Page 30, line 2 through line 4.

Strike: subsection (c) in its entirety

Insert: "(b) The cost of an examination or investigation must be paid by the licensee or person within 30 days after the date of the invoice. Failure to pay the cost of an examination or investigation when due must result in the suspension or revocation of a licensee's license."

152. Page 30, line 5.

Strike: "(5)(a)"

Insert: "(8)(a)"

Renumber: subsequent subsections

153. Page 30, following line 15.

Insert: "(ii) retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations;

(iii) use, hire, contract, or employ public or privately available analytical systems, methods, or software to examine or investigate the licensee or person subject to this part;"

Renumber: subsequent subsections

154. Page 30, line 23.

Strike: "INVESTIGATION OR"

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Following: "EXAMINATION"

Insert: "or investigation"

155. Page 30, line 24.

Strike: "(5)(a)(i)"

Insert: "(8)(a)(i)"

Strike: "30"

Insert: "33"

156. Page 31, line 5 through line 6.

Following: "REGISTRY"

Strike: "₂" on line 5 through "COSTS" on line 6

157. Page 31, line 7.

Following: "originator"

Strike: "licensees"

Insert: "applicants"

158. Page 31, line 8.

Following: "part"

Strike: "register with,"

Insert: "apply for state licensure and"

Following: "TO"

Strike: "₂"

159. Page 31, line 22.

Strike: "OF SUBSECTION (8)(A)"

Insert: "that the United States department of housing and urban development determine to not be in compliance with the requirements of the Secure and Fair Enforcement for Mortgage Licensing Act, Public Law 110-289,"

160. Page 32, line 5.

Following: "revoking"

Insert: ", conditioning,"

161. Page 32, line 7.

Following: "broker"

Strike: "OR"

Insert: ", "

162. Page 32, line 8.

Following: "LENDER"

Strike: "business" through "ORIGINATOR"

Insert: ", or mortgage loan origination business"

163. Page 32, line 12.

Following: "in the"

Strike: "state general fund"

Insert: "department's account in the state special revenue fund and used to administer the provisions of this part"

164. Page 32, line 13.

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Following: "broker"

Insert: ", mortgage lender,"

165. Page 33, line 22.

Following: "Sections"

Insert: "32-9-108, 32-9-115, 32-9-119,"

166. Page 33, lines 28 and 29.

Strike: "[Sections" on line 28 through "30" on line 29

Insert: "[Sections 5 through 8, 11, 12, 14, 16, 17, 21, 23, 24, 28 through 30, and 33]"

167. Page 33, line 30 through page 34, line 1.

Strike: "[Section" on page 33, line 30 through "30" on page 34, line 1

Insert: "[Sections 5 through 8, 11, 12, 14, 16, 17, 21, 23, 24, 28 through 30, and 33]"

168. Page 34, following line 7.

Insert: "NEW SECTION. Section 37. Contingent suspension. If the secretary of housing and urban development determines by guideline, interpretation, or rule that any part of [this act] is out of compliance with the Secure and Fair Enforcement for Mortgage Licensing Act, Public Law 110-289, the operation and effect of that part is suspended."

Renumber: subsequent sections

169. Page 34, line 11 through line 12.

Strike: Section 35 in its entirety

And, as amended, be concurred in. Report adopted.

SB 371, be amended as follows:

1. Title, line 7.

Strike: "IMMEDIATE"

2. Page 6, line 15.

Following: "unpaid"

Insert: ", and the employee is not engaged in duties for the employer"

3. Page 6, line 16.

Following: "is"

Insert: "voluntarily"

4. Page 6, line 18.

Following: "activity"

Insert: "and the employee is not engaged in duties assigned by the employer"

5. Page 6, line 19.

Following: "is"

Strike: "expressly"

Insert: "either in a paid work status while participating in the recreational or social activity or is"

6. Page 6, line 20.

Following: "the"

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Insert: "recreational or social"

7. Page 8, line 22.

Strike: "on passage and approval"

Insert: "July 1, 2009"

And, as amended, be concurred in. Report adopted.

HUMAN SERVICES (Becker, Chairman):

3/28/2009

SB 330, be amended as follows:

1. Title, page 1, line 6.

Following: "ACCOUNTABILITY"

Insert: "AND REQUIRING REPORTS"

2. Page 2, line 6.

Strike: ", as provided in 52-3-406, on"

Insert: "only as necessary to implement"

3. Page 2.

Following: line 7

Insert: "NEW SECTION. Section 3. Reporting requirement. The department of public health and human services shall report to the children, families, health, and human services interim committee on a quarterly basis during the 2009-2010 interim on the department's progress in complying with [section 2]."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

SB 399, be amended as follows:

1. Title, page 1, line 7.

Strike: "AND"

2. Title, page 1, line 10.

Following: "NEEDS"

Insert: "; AND AMENDING SECTION 52-2-302, MCA"

3. Page 3.

Following: line 14

Insert: "**Section 3.** Section 52-2-302, MCA, is amended to read:

"52-2-302. Definitions. The following definitions apply to this part:

(1) (a) "High-risk child with multiagency service needs" means a child under 18 years of age who is seriously emotionally disturbed, who is placed or who imminently may be placed in an out-of-home setting, and who has a need for collaboration from more than one state agency in order to address the child's needs.

(b) The term does not include a child incarcerated in a state youth correctional facility.

(2) "Least restrictive and most appropriate setting" means a setting in which a high-risk child with multiagency service needs is served:

(a) within the child's family or community; or

(b) outside the child's family or community where the needed services are not available within the child's family or community and where the setting is determined to be the most appropriate alternative setting based on:

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(i) the safety of the child and others;
(ii) ethnic and cultural norms;
(iii) preservation of the family;
(iv) services needed by the child and the family;
(v) the geographic proximity to the child's family and community if proximity is important to the child's treatment.

(3) "Provider" means an agency of state or local government, a person, or a program authorized to provide treatment or services to a high-risk child with multiagency service needs who is suffering from mental, behavioral, or emotional disorders.

(4) "Services" has the meaning as defined in 52-2-202.

(5) "System of care" means an integrated service support system that:

(a) emphasizes the strengths of the child and the child's family;

(b) is comprehensive and individualized; and

(c) provides for:

(i) culturally competent and developmentally appropriate services in the least restrictive and most appropriate setting;

(ii) full involvement of families and providers as partners;

(iii) interagency collaboration; and

(iv) unified care and treatment planning at the individual child level.

(6) "Wraparound philosophy of care" means a planning process that is designed to address the needs of a child and the child's family and that:

(a) empowers the family to take the lead in making decisions affecting the planning for support systems and services;

(b) reflects the family's values, preferences, culture, strengths, and needs;

(c) emphasizes community-based natural and informal support systems;

(d) involves collaboration among members of a team that is developed with involvement of the family and that includes agencies, providers, and others who offer support to the child and family;

(e) provides services in the least restrictive and most accessible setting possible; and

(f) contains measurable outcomes that are regularly reviewed by the team and adjusted as necessary."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

MOTIONS

Rep. Reinhard moved that the Speaker be authorized to appoint a conference committee on **HB 622** and request the senate to appoint a like committee.

Speaker Bergren appoints

Rep. Dickenson - vice chair

Rep. Hands

Rep. MacLaren

Rep. Himmelberger

ANNOUNCEMENTS

Mr. Speaker announced that Today, Saturday the 28th of March - Concealed Weapon Permit Class is being held this afternoon with Gregg Trude. Targets, pistols and ammunition provided by Capitol Sports. Cost is free and course is NRA approved. Maps and information available in the Speakers office.

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Mr. Speaker announced - We have two transmittal deadlines coming up on Tuesday and Thursday of next week. Please anticipate long boards Monday and Tuesday and possibly Wednesday.

Committee meetings were announced by the committee chairs.

Representative French moved that the House adjourn until 12:00 p.m., Monday, March 30, 2009. Motion carried.

House adjourned at 10:05 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SEVENTIETH LEGISLATIVE DAY**

Helena, Montana
March 30, 2009

House Chambers
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. P. Beck. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Belcourt, Pease-Lopez, excused. Quorum present.

Mr. Speaker introduced the pages for the week Cameron Carpenter (Great Falls), Tyler Christensen (Sidney), McKenzie Dundas (Billings), Jaelyn Eagle Tail (Crow Agency), Cody Harris (Great Falls), Lena Heuscher (Choteau), Tyrel Obrect (Turner), Dylan Trevor (Helena).

Mr. Speaker announced that a former Representative Jerome Anderson recently passed away and further information about the funeral will be announced later this week.

REPORTS OF STANDING COMMITTEES

HUMAN SERVICES (Becker, Chairman):
SB 442, be amended as follows:

3/30/2009

1. Page 2, line 16.

Strike: "(1)"

2. Page 2, line 19.

Strike: "(a)"

Insert: "(1)"

Renumber: subsequent subsections

3. Page 2, line 24.

Following: "project;"

Strike: "and"

4. Page 2, line 25.

Following: "employees"

Insert: "; and

(5) by groups or entities that offer classes for babysitters"

5. Page 2, line 26 through line 28.

Strike: subsection (2) in its entirety

6. Page 3, line 15 through line 17.

Strike: section 4 in its entirety

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Milburn, Chairman):
HB 678, introduced bill, be amended as follows:

3/30/2009

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1. Page 5, line 26.

Strike: "all deficiencies"

Insert: "information necessary to make the application complete"

2. Page 6, line 9 through line 10.

Strike: "regarding the" on line 9 through "deficiencies" on line 10

3. Page 6, line 12.

Strike: "regarding the deficiencies"

4. Page 7, line 6.

Following: "application."

Insert: "Within this period, the department may hold a public meeting at its discretion. At the end of this period, unless a public meeting is required pursuant to subsection (9), the department shall notify the applicant as to whether or not the application is acceptable pursuant to subsection (10) or that the application requires an extended review pursuant to [section 8]."

5. Page 7, line 7.

Strike: "Within"

Insert: "If a public meeting is required pursuant to subsection (9), within"

6. Page 7, line 9.

Strike: ", if necessary, pursuant to subsection (9)"

7. Page 7, line 12 through line 13.

Strike: "The department" on line 12 through "discretion." on line 13

8. Page 7, line 17.

Strike: "If a public meeting will be held,"

Insert: "To provide notice for a public meeting,"

9. Page 7, line 24.

Strike: "30"

Insert: "10 working"

10. Page 8, line 8.

Strike: "∴"

11. Page 8, line 9.

Strike: "(i)"

12. Page 8, line 10 through line 11.

Strike: "; or" on line 10 through "plant" on line 11

13. Page 8.

Following: line 11

Insert: "(c) For amendment applications not subject to the public notice and public meeting requirements of this section, the department shall, within 45 days of notifying the applicant that the application is complete, notify the applicant as to whether or not the application is acceptable pursuant to subsection (10) or that the

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application requires an extended review pursuant to [section 8]."

And, as amended, do pass. Report adopted.

SB 131, be amended as follows:

1. Page 1, line 16.

Strike: "2011"

Insert: "2012"

2. Page 1, line 24 through line 26.

Strike: "or if the department" on line 24 through "revision" on line 26

3. Page 1, line 29.

Strike: "6"

Insert: "18"

Strike: "or revise"

And, as amended, be concurred in. Report adopted.

SB 427, be amended as follows:

1. Title, page 1, line 8.

Strike: "REAL"

Insert: "SPECIAL USE"

2. Page 1, line 21.

Following: line 20

Insert: "(2) (a) "Release" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of petroleum or petroleum products from a petroleum storage tank into ground water, surface water, surface soils, or subsurface soils that occurred from a petroleum storage tank, as defined in 75-11-302.

(b) The term does not include a release from the following petroleum storage tanks:

(i) a tank located at a refinery or a terminal of a refiner;

(ii) a tank located at an oil and gas production facility; or

(ii) a tank that is or was previously under the ownership or control of a railroad, except for a tank that was operated by a lessee of a railroad in the course of nonrailroad operations."

Renumber: subsequent subsections

3. Page 1, line 23.

Following: "based."

Insert: "The term includes reasonable attorney fees and costs incurred by the plaintiff."

4. Page 1, line 24.

Following: "real property"

Insert: "contaminated by a release from a petroleum storage tank, as defined in 75-11-302,"

5. Page 1, line 28.

Strike: "Damages"

Insert: "Restoration damages"

Strike: "real"

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Insert: "special use"

6. Page 1, line 28 through page 2, line 2.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

7. Page 2, line 4.

Following: "fact"

Insert: "and may only be obtained pursuant to [sections 1 through 6]"

8. Page 2, line 5.

Following: "award of"

Insert: "other"

Strike: "for loss" through "property"

Insert: "allowed under common law and statute"

9. Page 2, line 8.

Strike: "[section 3(2)] may"

Insert: "[section 3], exclusive of damages awarded for attorney fees and costs, must"

Strike: "only"

10. Page 2, line 13.

Following: "(1)."

Insert: "The plaintiff may create a trust to be overseen by a qualified professional to restore the special use property."

11. Page 2, line 16.

Following: the first "for"

Insert: "restoration"

Strike: "real"

Insert: "special use"

12. Page 2, line 17.

Strike: "or to be taken at or having an effect on"

Insert: "at or ordered for"

Strike: "real"

Insert: "special use"

13. Page 2, line 18.

Following: "75"

Insert: ", chapter 11"

14. Page 2, line 19 through line 20.

Strike: "the Comprehensive" on line 19 through "seq., or" on line 20

15. Page 2, line 23.

Following: "action for"

Insert: "restoration"

16. Page 2, line 24 through line 27.

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Strike: "real" on line 24

Insert: "special use"

Strike: ":" on line 24 through "(2)" on line 27

17. Page 2, line 27 through page 3, line 2.

Following: "use property" on page 2, line 27

Strike: "if the" on page 2, line 27 through "contamination" on page 3, line 2

18. Page 3, line 5.

Strike: the first "1"

Insert: "11"

Strike: the second "1"

Insert: "11"

19. Page 3, line 6.

Following: line 5

Insert: "NEW SECTION. Section 8. Nonseverability. It is the intent of the legislature that each part of [this act] is essentially dependent upon every other part, and if one part is held unconstitutional or invalid, all other parts are invalid."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

3/30/2009

SB 499, introduced by Essmann

SB 509, introduced by Gebhardt

House bill concurred in and returned to the House:

3/30/2009

HB 163, introduced by Cohenour

Senate bill failed to concur in House amendments:

3/30/2009

SB 73 - The Senate failed to concur in House amendments to **SB 73**

SB 79 - The Senate failed to concur in House amendments to **SB 79**

SB 108 - The Senate failed to concur in House amendments to **SB 108**

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 499, introduced by Essmann, Bales, referred to Taxation.

SB 509, introduced by Gebhardt, referred to Taxation.

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THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 23, Conference Committee report, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Belcourt.

Total 1

Absent or not voting: None.

Total 0

HB 221, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: P. Beck, Regier, Van Dyk.

Total 3

Excused: Belcourt.

Total 1

Absent or not voting: Hamilton.

Total 1

HB 290, as amended by the Senate, passed as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Kerns, Mendenhall, Miller, Taylor, Wagner, Welborn.
Total 6

Excused: Belcourt.
Total 1

Absent or not voting: None.
Total 0

HB 291, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: P. Beck, Berry, Boniek.
Total 3

Excused: Belcourt.
Total 1

Absent or not voting: None.
Total 0

HB 312 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Berry, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Menahan, More, A. Noonan, P. Noonan, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman.
Total 59

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Campbell, Hawk, Hendrick, Hollandsworth, Howard,

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Ingraham, Jones, Kasten, Kerns, Lake, MacLaren, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, Morgan, Nooney, O'Hara, Randall, Reichner, Roberts, Sales, Smith, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 40

Excused: Belcourt.

Total 1

Absent or not voting: None.

Total 0

HB 361 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 52

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 47

Excused: Belcourt.

Total 1

Absent or not voting: None.

Total 0

HB 657 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Kerns.

Total 1

Excused: Belcourt.

Total 1

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Absent or not voting: None.
Total 0

HB 670 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Kerns, Malek, Pomnichowski.
Total 3

Excused: Belcourt.
Total 1

Absent or not voting: None.
Total 0

SB 57 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Vance, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 76

Nays: Bean, B. Beck, Blasdel, Boniek, Hawk, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Randall, Regier, Sales, Smith, Sonju, Stoker, Taylor, Vincent, Wagner, Welborn.
Total 23

Excused: Belcourt.
Total 1

Absent or not voting: None.
Total 0

SB 58 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff,

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Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 74

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Hawk, Hendrick, Howard, Kasten, Kerns, McGillvray, Mendenhall, Milburn, Miller, More, Randall, Regier, Reichner, Sales, Smith, Sonju, Vincent, Wagner, Warburton, Welborn.

Total 25

Excused: Belcourt.

Total 1

Absent or not voting: None.

Total 0

SB 95 concurred in as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 67

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Howard, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, More, Morgan, Peterson, Randall, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Vance, Wagner, Warburton, Washburn, Welborn.

Total 31

Excused: Belcourt.

Total 1

Absent or not voting: Hawk.

Total 1

SB 113 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Kerns, Morgan.

Total 2

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Excused: Belcourt.
Total 1

Absent or not voting: Warburton.
Total 1

SB 123 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Peterson.
Total 1

Excused: Belcourt.
Total 1

Absent or not voting: None.
Total 0

SB 133 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 86

Nays: Boniek, Kerns, Lake, Mendenhall, Miller, More, Morgan, Randall, Roberts, Sales, Stoker, Wagner, Warburton.
Total 13

Excused: Belcourt.
Total 1

Absent or not voting: None.
Total 0

SB 148 concurred in as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Belcourt.

Total 1

Absent or not voting: None.

Total 0

Rep. Phillips announced that the House Democrats will caucus.

Rep. Mendenhall announced that the House Republicans will caucus.

Mr. Speaker announced that the House will recess for 15 minutes until 12:35 p.m.

The House came to order at 12:51 p.m.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Stoker, Chairman):

3/30/2009

HJR 31, be adopted. Report adopted.

SB 476, be concurred in. Report adopted.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Villa in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 575 - Representative McChesney introduced **HB 575** do pass.

HB 575 - Representative Roundstone moved **HB 575** be amended as follows:

1. Page 7, line 19.

Following: "2"

Strike: ", "

Insert: ": (i) the board shall certify that the withdrawal from the ground of water associated with coal bed methane production does not adversely affect senior water rights; and
(ii)"

2. Page 7, line 22.

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Strike: "(i)"

Insert: "(A)"

3. Page 7, line 23.

Strike: "(ii)"

Insert: "(B)"

Motion, to amend, **failed** as follows:

Yeas: Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 45

Nays: Ankney, Arntzen, Augare, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 54

Excused: Pease-Lopez.

Total 1

Absent or not voting: None.

Total 0

HB 575 - Representative McChesney moved **HB 575** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 59

Nays: Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman.
Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Stahl moved that **SB 8** be moved to the top of the board. Motion carried.

SB 8 - Representative Stahl moved **SB 8** be concurred in. Motion carried as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Belcourt.

Total 1

Excused: None.

Total 0

Absent or not voting: Boss Ribs.

Total 1

HB 631 - Representative Blewett moved **HB 631** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 78

Nays: Bean, Bennett, Berry, Boniek, Brown, Caferro, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Randall, Regier, Sales, Smith, Stoker, Wagner, Welborn.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 656 - Representative Stahl moved **HB 656** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 94

Nays: Boniek, Caferro, McGillvray, Reichner, Smith, Stoker.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 658 - Representative Jopek moved **HB 658** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 75

Nays: Barrett, B. Beck, Blasdel, Boniek, Brown, Caferro, Henry, Howard, Klock, McGillvray, McNutt, More, A. Noonan, Pomnichowski, Randall, Roberts, Sales, Smith, Sonju, Stahl, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 662 - Representative Arntzen moved **HB 662** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Steenson, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Hawk, Ingraham, Kasten, Kerns, Lake, MacLaren, Mendenhall, Milburn, More, Nooney, Pease-Lopez, Randall, Roberts, Sales, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton.

Total 26

Excused: None.

Total 0

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Absent or not voting: McChesney, Stahl.
Total 2

HB 674 - Representative Vincent moved **HB 674** do pass. Requires adoption by 2/3 of each House. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: Getz.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 669 - Representative Vincent moved **HB 669** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Boniek, Hawk, Kerns, Wagner.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 104 - Representative Dickenson moved **SB 104** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland,

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Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Berry, Campbell, Hawk, Lake, Sales, Warburton.

Total 6

Excused: None.

Total 0

Absent or not voting: Arntzen.

Total 1

SB 158 - Representative K. Peterson moved **SB 158** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman.

Total 87

Nays: Ankney, Augare, Bean, Boniek, Campbell, Ingraham, Mendenhall, Miller, O'Hara, Stahl, Vance, Welborn, Mr. Speaker.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise, report progress and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Villa moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Smith, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson,

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Wiseman, Mr. Speaker.
Total 87

Nays: Boniek, Boss Ribs, McGillvray, Mendenhall, Sales, Sonju, Stahl, Vance, Vincent.
Total 9

Excused: Belcourt, Pease-Lopez.
Total 2

Absent or not voting: McChesney, Sesso.
Total 2

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Milburn, Chairman):
SB 396, be amended as follows:

3/30/2009

1. Title, line 4.

Strike: "CHANGE IN"

Insert: "REPLACEMENT"

2. Page 1, line 10 through page 2, line 17.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 3, line 5.

Strike: "[section 1] and"

Following: "(15),"

Strike: "and"

Strike: "of this section"

Insert: ", and (18)"

4. Page 3, line 6.

Strike: "of this section"

5. Page 8, line 26 through page 9, line 6.

Strike: subsection (18) in its entirety

Insert: "(18) (a) An appropriator may change an appropriation right for a replacement point of diversion without the prior approval of the department if:

(i) the existing point of diversion is inoperable due to natural causes or deteriorated infrastructure;

(ii) there are no other changes to the water right;

(iii) the capacity of the diversion is not increased;

(iv) there are no points of diversion or intervening water rights between the existing point of diversion and the replacement point of diversion or the appropriator obtains written waivers from all intervening water right holders;

(v) the replacement point of diversion is on the same surface water source and is located as close as reasonably practicable to the existing point of diversion;

(vi) the replacement point of diversion replaces an existing point of diversion and the existing point of diversion will no longer be used;

(vii) the appropriator can show that the existing point of diversion has been used in the 10 years prior to the notice for change of appropriation right for a replacement point of diversion;

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(viii) the appropriator can show the change will not increase access to water availability, change the method of irrigation, if applicable, or increase the amount of water diverted, used, or consumed; and

(ix) a timely, correct and complete notice of replacement point of diversion is submitted to the department as provided in subsection (18)(b).

(b) (i) Within 60 days after completion of a replacement point of diversion, the appropriator shall file a notice of replacement point of diversion with the department on a form provided by the department.

(ii) The department shall review the notice of replacement point of diversion and shall issue an authorization of a change in an appropriation right if all of the criteria in subsection (18)(a) have been met and the notice is correct and complete. The department may inspect the diversion to confirm that the criteria under subsection (18)(a) have been met. If the department issues an authorization of a change in an appropriation right for a replacement point of diversion, the department shall prepare a notice of the authorization and provide notice of the authorization in the same manner as required in 85-2-307 for applications.

(iii) The department may not issue an authorization of a change in appropriation right until a correct and complete notice of replacement point of diversion has been filed with the department. The department shall return a defective notice to the appropriator, along with a description of defects in the notice. The appropriator shall refile a corrected and completed notice of replacement point of diversion within 30 days of notification of defects or within a further time as the department may allow, not to exceed 6 months.

(iv) If a notice of replacement point of diversion is not filed and completed within the time allowed or if the department determines the criteria under (18)(a) have not been met, the appropriator shall:

(A) cease appropriation of water from the replacement point of diversion pending approval by the department; and

(B) submit an application for a change in appropriation right to the department pursuant to subsections (1) through (3).

(c) The provisions of this subsection (18) do not apply to an appropriation right abandoned under 85-2-404.

(d) The provisions of subsections (2), (3), (9), and (10) do not apply to a change in appropriation right that meets the requirements of subsection (18)(a).

(e) (i) An appropriator may file a correct and complete objection with the department alleging that the change in appropriation right for a replacement point of diversion will adversely affect the use of the existing water rights of other persons or other perfected or planned uses or developments for which a permit or certificate has been issued or for which a state water reservation has been issued under Title 85, chapter 2, part 3.

(ii) If the department determines after a contested case hearing between the appropriator and the objector that the rights of other appropriators have been or will be adversely affected, it may revoke the change or make the change subject to terms, conditions, restrictions, or limitations necessary to protect the rights of other appropriators.

(iii) The burden of proof to prove lack of adverse effect at the hearing is on the appropriator changing the point of diversion."

6. Page 9, line 8 through line 9.

Strike: section 3 in its entirety

And, as amended, be concurred in. Report adopted.

ANNOUNCEMENTS

Committees announced Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House stand at ease and reconvene at 5:00 p.m. Motion carried.

House stood at ease at 2:57 p.m.

The House came to order at 5:00 p.m.

Mr. Speaker announced that **HB 678** will be placed on 2nd reading today at the bottom of the agenda.

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REPORTS OF STANDING COMMITTEES

HUMAN SERVICES (Becker, Chairman): 3/30/2009
SB 401, be concurred in. Report adopted.
SB 446, be concurred in. Report adopted.
SJR 26, be concurred in. Report adopted.

TRANSPORTATION (Sonju, Chairman): 3/30/2009
SB 457, be amended as follows:

1. Page 2, line 18.

Strike: the second "AND"

2. Page 1, line 19.

Following: "WHITEHALL"

Strike: " "

Insert: " ; "

3. Page 1, line 20.

Following: line 19

Insert: "(9) U.S. highway 89 from the Wyoming border to the Canadian border."

And, as amended, be concurred in. Report adopted.

MOTIONS

Rep. Ingraham moved that her vote for **HB 361** be changed from a '**YES**' to a '**NO**' vote. Motion carried.

Rep. Howard moved that **HB 482** be taken from the Appropriations Committee and be placed on 2nd reading. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Ebinger, Fleming, Getz, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 53

Nays: Augare, Barrett, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, French, Furey, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 44

Excused: Belcourt, Pease-Lopez.

Total 2

Absent or not voting: Jones.

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Total 1

Rep. McGillvray moved that **SB 374** be taken from the Judiciary Committee and be placed on 2nd reading on this the 70th legislative day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, French, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 52

Nays: Augare, Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 44

Excused: Belcourt, Pease-Lopez.

Total 2

Absent or not voting: McNutt, Nooney.

Total 2

Rep. Regier moved that **SB 327** be taken from the Judiciary Committee and be placed on 2nd reading. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wiseman.

Total 53

Nays: Augare, Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Mr. Speaker.

Total 45

Excused: Belcourt, Pease-Lopez.

Total 2

Absent or not voting: None.

Total 0

Rep. Peterson moved that **SB 46** be taken from the Judiciary Committee and be placed on 2nd reading at the earliest possible date. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren,

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McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 51

Nays: Augare, Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 47

Excused: Belcourt, Pease-Lopez.

Total 2

Absent or not voting: None.

Total 0

Rep. Warburton moved that **SB 406** be taken from the Judiciary Committee and be placed on 2nd reading this the 70th legislative day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 51

Nays: Augare, Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 47

Excused: Belcourt, Pease-Lopez.

Total 2

Absent or not voting: None.

Total 0

Rep. Boniek moved that **HB 661** be taken from the Judiciary Committee and be placed on 2nd reading this the 70th legislative day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 51

Nays: Augare, Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter,

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Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 47

Excused: Belcourt, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

Rep. Wagner moved that **HB 639** be taken from the Judiciary Committee and be placed on 2nd reading this the 70th legislative day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, O'Hara, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Mr. Speaker.
Total 48

Nays: Augare, Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Villa, Wilmer, Wilson, Wiseman.
Total 48

Excused: Belcourt, Pease-Lopez.
Total 2

Absent or not voting: Ankney, Welborn.
Total 2

Rep. Hollandsworth moved that **HB 334** be taken from the Appropriations Committee and be placed on 2nd reading this the 70th legislative day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 51

Nays: Augare, Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Wiseman.
Total 47

Excused: Belcourt, Pease-Lopez.
Total 2

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Absent or not voting: None.
Total 0

Rep. Caferro moved that **HB 360** be taken from the Appropriations Committee and be placed on 2nd reading this the 70th legislative day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 49

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 49

Excused: Belcourt, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

Rep. Becker moved that **SB 326** be taken from the Human Services Committee and be placed on 2nd reading this the 70th legislative day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Menahan, Miller, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 47

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 51

Excused: Belcourt, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

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NATURAL RESOURCES (Milburn, Chairman):

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SB 76, be concurred in. Report adopted.
SB 136, be concurred in. Report adopted.
SB 193, be concurred in. Report adopted.
SB 246, be amended as follows:

1. Title, line 5.
Strike: "EACH"
Insert: "THE MAIN"

2. Page 1, line 11.
Strike: "an"
Insert: "a permitted"

3. Page 1, line 12.
Strike: "each"
Insert: "the main"

And, as amended, be concurred in. Report adopted.

SB 297, be concurred in. Report adopted.
SB 360, be concurred in. Report adopted.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Villa in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 187 - Representative Taylor moved **HB 187** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Driscoll, Ebinger, French, Getz, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.
Total 79

Nays: Barrett, Becker, Boss Ribs, Campbell, Cohenour, Dickenson, Fleming, Furey, Hamilton, Hands, Henry, Hunter, Malek, McAlpin, P. Noonan, Pease-Lopez, Sales, Sesso, Van Dyk, Wilmer.
Total 20

Excused: Belcourt.
Total 1

Absent or not voting: None.

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Total 0

SB 164 - Representative Sales moved **SB 164** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Belcourt.

Total 1

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

SB 174 - Representative Arntzen moved **SB 174** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Boniek, McGillvray, More, Sales, Wagner.

Total 5

Excused: None.

Total 0

Absent or not voting: Klock.

Total 1

SB 202 - Representative Hendrick moved **SB 202** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren,

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Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Ankney, Driscoll, French, Stahl, Vincent.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 247 - Representative B. Beck moved **SB 247** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Kasten, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 87

Nays: Bennett, Brown, Hawk, Hoven, Jopek, Kerns, Lake, MacLaren, McNutt, Miller, Peterson.

Total 11

Excused: None.

Total 0

Absent or not voting: Morgan, Mr. Speaker.

Total 2

SB 299 - Representative O'Hara moved **SB 299** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 75

Nays: Ankney, Bennett, Berry, Blasdel, Boniek, Brown, Hawk, Hendrick, Hollandsworth, Kasten, Kerns, Mendenhall, More, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Vance, Vincent, Wagner, Warburton, Welborn.

Total 25

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 305 - Representative MacLaren introduced **SB 305**.

SB 305 - Representative Reichner moved **SB 305**, second reading copy, be amended as follows:

1. Title, line 10.

Strike: "76-3-608,"

2. Page 4, line 14 through page 5, line 30.

Strike: section 3 in its entirety

Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 92

Nays: Pomnichowski, Stahl, Wagner, Wiseman.

Total 4

Excused: Belcourt, Pease-Lopez.

Total 2

Absent or not voting: P. Beck, Dickenson.

Total 2

SB 305 - Representative MacLaren moved **SB 305**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 90

Nays: Blasdel, Driscoll, Grinde, MacDonald, Mendenhall, Sales, Wagner, Mr. Speaker.

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Total 8

Excused: None.

Total 0

Absent or not voting: B. Beck, Peterson.

Total 2

SB 306 - Representative Vance moved **SB 306** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Ebinger, French, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Hunter, Jones, Kasten, Kerns, Klock, Kottel, Lake, McChesney, McNutt, Mendenhall, Milburn, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Washburn, Welborn.

Total 52

Nays: Augare, Barrett, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Fleming, Furey, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Ingraham, Jopek, MacDonald, MacLaren, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, Miller, A. Noonan, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Van Dyk, Villa, Wagner, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 47

Excused: None.

Total 0

Absent or not voting: McGillvray.

Total 1

SB 310 - Representative MacLaren moved **SB 310** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson.

Total 90

Nays: Driscoll, Kerns, Peterson, Phillips, Pomnichowski, Wilmer, Wiseman, Mr. Speaker.

Total 8

Excused: None.

Total 0

Absent or not voting: Ingraham, McGillvray.

Total 2

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SB 330 - Representative Campbell moved consideration of **SB 330** be passed for the day. Motion carried.

SB 348 - Representative Himmelberger moved **SB 348** be concurred in. Requires 2/3 adoption of entire Legislature. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, P. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Boss Ribs, Brown, Caferro, Campbell, Dickenson, Ebinger, Fleming, French, Hamilton, Hands, Hendrick, Henry, Himmelberger, Howard, Ingraham, Kasten, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNutt, Mendenhall, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Reichner, Reinhart, Sales, Sands, Sesso, Smith, Taylor, Vance, Van Dyk, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 61

Nays: Barrett, B. Beck, Belcourt, Blewett, Boland, Butcher, Cohenour, Driscoll, Getz, Glaser, Grinde, Hawk, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kerns, Kottel, Lake, McAlpin, Mehlhoff, Menahan, Miller, Morgan, Pomnichowski, Regier, Roberts, Roundstone, Sonju, Stahl, Steenson, Stoker, Villa, Wagner, Mr. Speaker.

Total 38

Excused: None.

Total 0

Absent or not voting: Furey.

Total 1

Mr. Speaker resumed the chair.

SB 351 - Representative Reichner moved **SB 351** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: B. Beck, Hawk, Kasten.

Total 3

Excused: None.

Total 0

Absent or not voting: Hands, Reinhart.

Total 2

SB 399 - Representative P. Noonan moved **SB 399** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss

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Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: Bean, Blasdel, Boniek, Butcher, Hawk, Hendrick, Howard, Kasten, Kerns, Lake, More, Morgan, Randall, Sales, Taylor, Vincent.

Total 16

Excused: None.

Total 0

Absent or not voting: Getz, Himmelberger, Hollandsworth, Sonju.

Total 4

SB 403 - Representative A. Noonan moved **SB 403** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boland, Brown, Butcher, Campbell, French, Furey, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Lake, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 72

Nays: P. Beck, Becker, Blewett, Boniek, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Grinde, Hamilton, Hands, Henry, Kottel, MacDonald, Malek, McClafferty, Mehlhoff, Phillips, Pomnichowski, Reinhart, Roundstone, Van Dyk, Wilmer, Wilson, Wiseman.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 371 - Representative Hunter moved **SB 371** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Ebinger, Fleming, French, Furey, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 58

Nays: Augare, Barrett, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Getz, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, A. Noonan, P. Noonan, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands,

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Sesso, Stahl, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 42

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 404 - Representative O'Hara moved **SB 404** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Becker, Wagner.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 449 - Representative A. Noonan moved **SB 449** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 97

Nays: Boniek, Dickenson, Wiseman.
Total 3

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

SJR 15 - Representative Cohenour moved **SJR 15** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Henry, Jopek, A. Noonan, Roundstone, Sands.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 678 - Representative Campbell moved **HB 678** be adopted. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Becker, Blewett, Boland, Boss Ribs, Brown, Campbell, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 71

Nays: Ankney, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Caferro, Hawk, Ingraham, Jopek, Kasten, Kerns, Lake, McGillvray, Mendenhall, Randall, Regier, Sales, Stahl, Vincent, Wagner, Warburton.

Total 24

Excused: Belcourt, Pease-Lopez.

Total 2

Absent or not voting: P. Beck, Ebinger, Sonju.

Total 3

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bergren moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Berry, Blasdel, Blewett, Boland, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde,

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Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: P. Beck, Bennett, Boniek, Boss Ribs, Hawk, McGillvray, Mendenhall, Miller, Sales, Vance, Warburton.

Total 11

Excused: Belcourt, Pease-Lopez.

Total 2

Absent or not voting: Randall.

Total 1

MOTIONS

Rep. Campbell moved that the Speaker be authorized to appoint a conference committee on **SB 108** and request the senate to appoint a like committee.

Senate Appoints:

Sen. McGee, Chair

Sen. Zinke

Sen. Jent

The Speaker Appoints:

Rep. Menahan, Vice-Chair

Rep. Kottel

Rep. Stoker

Rep. Kerns

Rep. Campbell moved that the Speaker be authorized to appoint a conference committee on **SB 73** and request the senate to appoint a like committee.

Senate Appoints:

Sen. Hawks, Chair

Sen. Zinke

Sen. Hinkle

The Speaker Appoints:

Rep. Pomnichowski, Vice-Chair

Rep. Ebinger

Rep. Vance

Rep. Sonju

Rep. Campbell moved that the Speaker be authorized to appoint a FREE conference committee on **SB 79** and request the senate to appoint a like committee.

Senate Appoints:

Sen. Juneau, Chair

Sen. Liable

Sen. Murphy

The Speaker Appoints:

Rep. Sands, Vice-Chair

Rep. Becker

Rep. Smith

Rep. Hendrick

Representative Campbell moved that the House be adjourned reconvene at 12:00 p.m., Tuesday, March 31, 2009. Motion carried.

DAVE HUNTER

BOB BERGREN

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Chief Clerk of the House

Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SEVENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 31, 2009

House Chambers
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Butcher. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 3/30/2009

SB 38, introduced by Curtiss
SB 370, introduced by Perry
SB 489, introduced by Essmann
SB 503, introduced by Essmann
SB 511, introduced by M. Tropila

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/30/2009

HB 19, introduced by Ingraham
HB 85, introduced by Sands
HB 95, introduced by Hawk
HB 147, introduced by MacLaren
HB 177, introduced by Kottel
HB 222, introduced by Cohenour
HB 328, introduced by MacLaren
HB 338, introduced by Ankney
HB 343, introduced by A. Noonan
HB 362, introduced by Henry
HB 409, introduced by Pomnichowski
HB 412, introduced by Wiseman
HB 488, introduced by Jones
HB 517, introduced by Hollenbaugh
HB 544, introduced by Vincent
HB 546, introduced by Pomnichowski
HB 557, introduced by Belcourt
HB 563, introduced by Kottel
HB 567, introduced by Sesso
HB 588, introduced by Ankney

House joint resolutions concurred in as amended and returned to the House for concurrence in Senate amendments: 3/30/2009

HJR 4, introduced by Vincent
HJR 14, introduced by Warburton

House bills concurred in and returned to the House: 3/30/2009

HB 71, introduced by Sands

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HB 104, introduced by French
HB 161, introduced by Augare
HB 301, introduced by Kottel
HB 378, introduced by Blasdel
HB 402, introduced by French
HB 403, introduced by Kottel
HB 404, introduced by Reinhart
HB 483, introduced by Jones
HB 509, introduced by Ingraham
HB 542, introduced by Vance
HB 626, introduced by Welborn

House joint resolution concurred in and returned to the House: 3/30/2009

HJR 1, introduced by French

SB 79 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 79**:

3/30/2009

Senator Murphy, Chair
Senator Juneau
Senator Laible

SB 622 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **SB 622**:

3/30/2009

Senator R. Brown, Chair
Senator Brenden
Senator Windy Boy

SB 108 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **SB 108**:

3/30/2009

Senator McGee, Chair
Senator Jent
Senator Zinke

SB 73 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **SB 73**:

3/30/2009

Senator Hawks, Chair
Senator Hinkle
Senator Zinke

Rep. Phillips announced that the House Democrats will caucus.
Rep. Mendenhall announced that the House Republicans will stand at ease.
Mr. Speaker announced that the House will stand at ease until 12:37.

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MESSAGES FROM THE GOVERNOR

March 31, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 332, **"AN ACT REVISING THE LAWS RELATING TO SCHOOLS; REVISING THE LAWS PERTAINING TO THE LOCATION OF SCHOOL BOARD MEETINGS; EXPANDING THE DISCIPLINARY POWERS OF SCHOOL ADMINISTRATORS; CLARIFYING THE LAWS GOVERNING STUDENT SUSPENSIONS; AND AMENDING SECTIONS 20-3-322, 20-5-201, AND 20-5-202, MCA"** for the following reasons.

My proposed amendment to House Bill 332 pertains to the location of a school board meeting that is held to address a violation of the student code of conduct within a week of graduation. The bill's intent was to exempt the trustees of a district from the statutory 48-hour written notice requirement when holding such a meeting within a week of graduation. My amendment does not effect this aspect of the bill. However, as written, the bill would also exempt the trustees from the requirement that the meeting be conducted in a school building. It is my belief that it is of utmost importance to hold a meeting concerning a violation of the student code of conduct within a week of graduation in a school building.

I have discussed my proposed amendment with the bill's sponsor, Representative Getz, who has no objection.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 332

1. Title, line 5.

Following: "LOCATION OF"

Insert: "AND NOTICE REQUIREMENTS FOR CERTAIN"

2. Page 1, line 30.

Following: "emergency"

Insert: "or to consider a violation of the student code of conduct, as defined in accordance with district policy, within a week of graduation"

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3. Page 2, lines 8 and 9.

Following: "district" on line 8

Strike remainder of line 8 through "GRADUATION" on line 9

-END-

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 38, introduced by Curtiss, referred to Agriculture.

SB 370, introduced by Perry, Cohenour, Larsen, Pomnichowski, Tutvedt, referred to Natural Resources.

SB 489, introduced by Essmann, J. Peterson, Ripley, Gillan, Keane, Perry, Klock, Lake, Vincent, K. Peterson, McChesney, Glaser, Sonju, Smith, referred to Taxation.

SB 503, introduced by Essmann, Zinke, J. Peterson, Black, Hinkle, McGee, Jackson, Bales, , Gebhardt, De. Barrett, Curtiss, Tutvedt, , Perry, Ripley, Steinbeisser, Brenden, T. Brown, Brueggeman, R. Brown, Barkus, referred to Taxation.

SB 511, introduced by Cooney, referred to Business and Labor.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Lake in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 386 - Senate Amendments - Representative O'Hara moved Senate amendments to **HB 386** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: More.

Total 1

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SB 9 - Representative Hamilton moved **SB 9** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 57

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Hawk, Hendrick, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 68 - Representative Bean moved **SB 68** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 83

Nays: Butcher, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, Peterson, Randall, Sales, Smith, Taylor, Vincent, Wagner, Warburton.

Total 16

Excused: None.

Total 0

Absent or not voting: Hollenbaugh.

Total 1

SB 131 - Representative Vincent moved **SB 131** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts,

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Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 70

Nays: Ankney, Arntzen, Bean, B. Beck, Boniek, Butcher, Hawk, Himmelberger, Hoven, Ingraham, Kerns, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Taylor, Vance, Wagner, Warburton, Welborn.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 200 - Representative Hands moved **SB 200** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 56

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 228 - Representative Welborn moved **SB 228** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacDonald, MacLaren, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 78

Nays: Augare, Barrett, Blewett, Boland, Cohenour, Dickenson, Driscoll, Grinde, Hands, Hunter, Jopek, Kottel, Malek, A. Noonan, Pease-Lopez, Pomnichowski, Roundstone, Sands, Van Dyk, Wiseman.

Total 20

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Excused: None.
Total 0

Absent or not voting: Jones, McChesney.
Total 2

SB 229 - Representative Boniek moved **SB 229** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 50

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 50

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 235 - Representative Hunter moved **SB 235** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, O'Hara, Pease-Lopez, Phillips, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Wilson, Mr. Speaker.
Total 74

Nays: Barrett, Blasdel, Boniek, Hands, Hendrick, Ingraham, Kerns, McNutt, Mendenhall, Miller, More, P. Noonan, Nooney, Peterson, Pomnichowski, Reichner, Sales, Sesso, Sonju, Vance, Vincent, Wagner, Washburn, Welborn, Wilmer, Wiseman.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 261 - Representative Sands moved **SB 261** be concurred in. Motion carried as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 61

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hollandsworth, Howard, Ingraham, Kasten, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 39

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 268 - Representative MacDonald moved **SB 268** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman.
Total 64

Nays: Ankney, Augare, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Campbell, French, Glaser, Hawk, Hollandsworth, Ingraham, Jones, Jopek, Mendenhall, Milburn, Miller, More, Nooney, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Vance, Vincent, Wagner, Warburton, Welborn, Mr. Speaker.
Total 35

Excused: None.
Total 0

Absent or not voting: Reinhart.
Total 1

SB 281 - Representative Blewett moved **SB 281** be concurred in. Motion **failed** as follows:

Yeas: Berry, Blewett, Boland, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hoven, Howard, Hunter, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McNutt, Mehlhoff, Menahan, Morgan, O'Hara, Peterson, Phillips, Regier, Roberts, Sands, Steenson, Stoker, Van Dyk, Villa, Washburn, Wilmer, Wilson.
Total 46

Nays: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Boniek, Boss Ribs, Caferro, Campbell, Glaser, Hawk, Hendrick, Hollandsworth, Hollenbaugh, Ingraham, Jones, Jopek,

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Kasten, Kerns, Kottel, McClafferty, McGillvray, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sales, Sesso, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Welborn, Wiseman, Mr. Speaker.
Total 54

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 286 - Representative Hoven introduced **SB 286**.
SB 286 - Representative Menahan moved **SB 286** be amended as follows:

1. Page 10, lines 28 and 29.

Following: "CHAPTER." on line 28

Strike: remainder of line 28 through line 29 in their entirety

Insert: "The department shall provide licensees with information concerning procedures a licensee may use to assert a claim of confidentiality with respect to constitutionally protected information that must be submitted to the department, such as trade secret or proprietary information."

Motion to amend, carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 286 - Representative Blasdel moved **SB 286** be amended as follows:

1. Page 9, line 22.

Following: "~~enforced and~~"

Insert: "enforced and"

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2. Page 9, line 23.

Strike: "and enforced by the board"

Motion to amend, **failed** as follows:

Yeas: Augare, B. Beck, Blasdel, Boland, Caferro, Cohenour, Driscoll, Furey, Hamilton, Hands, Hawk, Henry, Hiner, Hollenbaugh, Jones, Jopek, MacLaren, McAlpin, McChesney, Mehlhoff, Menahan, More, A. Noonan, P. Noonan, Peterson, Phillips, Regier, Reichner, Sonju, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wiseman, Mr. Speaker.

Total 41

Nays: Ankney, Arntzen, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boniek, Boss Ribs, Brown, Butcher, Campbell, Dickenson, Ebinger, Fleming, French, Getz, Glaser, Grinde, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, Malek, McClafferty, McGillvray, McNutt, Mendenhall, Milburn, Miller, Morgan, Nooney, O'Hara, Pease-Lopez, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stoker, Taylor, Welborn, Wilson.

Total 59

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 286 - Representative Hoven moved **SB 286** as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Boland, Boniek, Brown, Butcher, Dickenson, Ebinger, Fleming, French, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Hunter, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, McClafferty, McGillvray, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Reichner, Roberts, Roundstone, Sales, Smith, Stoker, Taylor, Welborn, Wilson.

Total 53

Nays: Augare, P. Beck, Berry, Blasdel, Blewett, Boss Ribs, Caferro, Campbell, Cohenour, Driscoll, Furey, Getz, Hands, Henry, Hiner, Hollenbaugh, Ingraham, Jopek, MacLaren, Malek, McAlpin, McChesney, McNutt, More, A. Noonan, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Sands, Sesso, Sonju, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wiseman, Mr. Speaker.

Total 46

Excused: None.

Total 0

Absent or not voting: Jones.

Total 1

SB 290 - Representative Regier moved **SB 290** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel,

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Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 96

Nays: Driscoll, MacDonald, Reinhart, Mr. Speaker.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 294 - Representative MacLaren moved **SB 294** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 79

Nays: Bean, B. Beck, Blasdel, Boniek, Butcher, Hawk, Hollandsworth, Ingraham, Kasten, Kerns, Lake, Mendenhall, Miller, Randall, Sales, Sonju, Taylor, Vance, Vincent, Wagner, Welborn.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 330 - Representative Becker moved **SB 330** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 56

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray,

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McNutt, Mendenhall, Milburn, Miller, More, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 43

Excused: None.

Total 0

Absent or not voting: Jones.

Total 1

SB 396 - Representative Vincent moved **SB 396** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Malek, Pease-Lopez, Pomnichowski, Roundstone.

Total 4

Excused: None.

Total 0

Absent or not voting: Milburn.

Total 1

SB 427 - Representative Milburn moved **SB 427** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

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Absent or not voting: Butcher.
Total 1

SB 442 - Representative McAlpin moved **SB 442** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 77

Nays: B. Beck, Bennett, Hawk, Howard, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, Randall, Regier, Reichner, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Washburn.
Total 22

Excused: None.
Total 0

Absent or not voting: Berry.
Total 1

SB 447 - Representative Driscoll moved **SB 447** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 80

Nays: B. Beck, Bennett, Hawk, Himmelberger, Howard, Kerns, McGillvray, McNutt, Mendenhall, Miller, More, Peterson, Randall, Reichner, Sales, Smith, Sonju, Vincent, Wagner, Warburton.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Rep. Blewett moved to reconsider SB 281.
Rep. Blewett withdrew his motion.

SJR 17 - Representative Belcourt moved **SJR 17** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek,

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Boss Ribs, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 77

Nays: Bean, Bennett, Blasdel, Brown, Caferro, Hawk, Himmelberger, Hollandsworth, Howard, Ingraham, Kerns, Mendenhall, Miller, More, Morgan, Nooney, Randall, Roberts, Sales, Smith, Vance, Wagner.
Total 22

Excused: None.
Total 0

Absent or not voting: Wiseman.
Total 1

SJR 25 - Representative Campbell moved consideration of **SJR 25** be passed for the day. Motion carried.
SB 457 - Representative MacDonald moved **SB 457** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Wagner, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 72

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hollandsworth, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Nooney, Randall, Regier, Reichner, Sales, Smith, Stoker, Vance, Vincent, Warburton, Washburn, Welborn.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 281 - Rep. Blewett moved to reconsider **SB 281** and have it read and re-posted on the board. Motion requires majority vote. Motion carried as follows:

Yeas: Ankney, Barrett, P. Beck, Belcourt, Berry, Blasdel, Blewett, Boland, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 76

Nays: Arntzen, Augare, Bean, B. Beck, Becker, Bennett, Boniek, Boss Ribs, Brown, Dickenson, Glaser, Hawk, Kerns, McGillvray, Mendenhall, Miller, More, Nooney, Randall, Reichner, Smith, Vance, Wagner, Warburton.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 246 - Representative Hendrick moved **SB 246** be concurred in. Motion **failed** as follows:

Yeas: Barrett, P. Beck, Becker, Blewett, Boland, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hunter, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stoker, Van Dyk, Villa, Wilmer, Wiseman.

Total 43

Nays: Ankney, Arntzen, Augare, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, French, Glaser, Hawk, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.

Total 57

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lake moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: Boniek, Hawk, Hendrick, Ingraham, Kerns, McGillvray, Mendenhall, Miller, More, Regier, Sales, Sonju, Stahl, Villa.

Total 14

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Excused: None.
Total 0

Absent or not voting: Lake.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 187 passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.
Total 83

Nays: Barrett, Becker, Belcourt, Caferro, Campbell, Cohenour, Hands, Henry, Malek, McAlpin, McClafferty, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Sesso, Wilmer.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 575 passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 56

Nays: Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman.
Total 44

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

HB 631 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 75

Nays: Bean, Bennett, Berry, Boniek, Brown, Caferro, Dickenson, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, More, Randall, Regier, Sales, Smith, Stoker, Wagner, Washburn, Welborn.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 656 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Boniek, Glaser, McGillvray, Peterson, Reichner, Smith, Stoker.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde,

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Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 79

Nays: Barrett, Blasdel, Boniek, Brown, Caferro, Glaser, Klock, Miller, A. Noonan, Pomnichowski, Randall, Regier, Reichner, Sesso, Sonju, Stahl, Vincent, Wagner, Washburn, Welborn.
Total 20

Excused: None.
Total 0

Absent or not voting: Pease-Lopez.
Total 1

HB 662 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, O'Hara, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.
Total 70

Nays: Bean, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hollandsworth, Ingraham, Kasten, Kerns, Lake, MacLaren, Mendenhall, Milburn, Miller, More, Nooney, Pease-Lopez, Randall, Roberts, Sales, Sonju, Stoker, Vance, Vincent, Wagner, Warburton, Wilson.
Total 29

Excused: None.
Total 0

Absent or not voting: P. Noonan.
Total 1

HB 674 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

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Nays: Getz, Glaser.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 669 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Boniek, Caferro, Kerns, McClafferty, Wagner.
Total 5

Excused: None.
Total 0

Absent or not voting: Fleming.
Total 1

HB 678 passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 66

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Hawk, Hollandsworth, Howard, Jopek, Kasten, Kerns, Lake, McChesney, McGillvray, McNutt, Mendenhall, Miller, Morgan, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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SB 8 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Bean, Lake, Sonju, Wagner.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 104 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Berry, Hawk, Sales, Warburton.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 158 concurred in as follows:

Yeas: Arntzen, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn,

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More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 89

Nays: Ankney, Augare, Bean, Boniek, Ingraham, Mendenhall, Miller, O'Hara, Stahl, Vance, Welborn.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 164 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 174 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 89

Nays: B. Beck, Blasdel, Boniek, Kerns, McGillvray, Mendenhall, More, Randall, Sales, Sonju, Vincent.
Total 11

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 202 concurred in as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Ebinger, Fleming, Furey, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Ankney, Campbell, Driscoll, French, Getz, Lake, MacLaren, Miller, Stahl.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 247 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Brown, Kasten, Kerns, McNutt, Miller.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 299 concurred in as follows:

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Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Ankney, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Hawk, Hendrick, Hollandsworth, Kasten, Kerns, McGillvray, Mendenhall, More, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Vance, Vincent, Wagner, Warburton, Welborn.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 306 failed as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer.

Total 50

Nays: Augare, Barrett, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilson, Wiseman, Mr. Speaker.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 310 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van

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Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson.
Total 89

Nays: Caferro, Driscoll, Jopek, Kerns, Peterson, Phillips, Pomnichowski, Reinhart, Sonju, Wiseman, Mr. Speaker.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 348 failed (due to 2/3 majority rule) as follows:

Yeas: Ankney, Arntzen, Augare, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Caferro, Dickenson, Ebinger, Fleming, Grinde, Hamilton, Hendrick, Henry, Himmelberger, Hoven, Howard, Ingraham, Jones, Jopek, Klock, MacDonald, MacLaren, Malek, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, More, O'Hara, Peterson, Phillips, Randall, Reichner, Sales, Smith, Stahl, Taylor, Vance, Van Dyk, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson.
Total 52

Nays: Barrett, Bean, Belcourt, Blewett, Boland, Boss Ribs, Butcher, Campbell, Cohenour, Driscoll, French, Furey, Getz, Glaser, Hands, Hawk, Hiner, Hollandsworth, Hollenbaugh, Hunter, Kasten, Kerns, Kottel, Lake, McChesney, McClafferty, Mehlhoff, Menahan, Miller, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Villa, Wagner, Wiseman, Mr. Speaker.
Total 48

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 351 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Hawk, Kasten.
Total 2

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 371 concurred in as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wiseman.
Total 62

Nays: Augare, Barrett, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Grinde, Hands, Henry, Hollenbaugh, Jopek, MacDonald, Malek, McAlpin, McClafferty, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Van Dyk, Villa, Wilmer, Wilson, Mr. Speaker.
Total 38

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 399 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 85

Nays: Bean, Bennett, Blasdel, Butcher, Hawk, Hendrick, Kasten, Kerns, Lake, More, Randall, Reichner, Sales, Sonju, Taylor.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 403 concurred in as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Dickenson, Ebinger, French, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.

Total 76

Nays: Becker, Boniek, Caferro, Campbell, Cohenour, Driscoll, Fleming, Furey, Grinde, Hamilton, Hands, Henry, MacDonald, McClafferty, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Steenson, Van Dyk, Wilmer, Wiseman.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 404 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Becker.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 449 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor,

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Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 93

Nays: Boniek, Dickenson, Morgan, Pomnichowski, Roberts, Sales, Wiseman.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 15 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 90

Nays: Caferro, Campbell, Hands, Henry, Jopek, Malek, A. Noonan, Roundstone, Sands.
Total 9

Excused: None.
Total 0

Absent or not voting: Hoven.
Total 1

MOTIONS

Rep. Taylor moved **SB 142** be taken from committee and be placed on 2nd reading this the 71st legislative day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wiseman.
Total 51

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Mr. Speaker.
Total 49

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

Rep. Ankney moved **SB 100** be taken from Federal Relations, Energy, and Telecommunications Committee and be placed on 2nd reading the 72st legislative day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Blewett, Boniek, Brown, Butcher, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wiseman.
Total 52

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Mr. Speaker.
Total 47

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

Rep. Campbell moved **SB 131** be moved to Appropriations Committee. Motion carried.
Rep. Reinhard moved that her vote for **HB 575** be counted as a '**NO**' vote. Motion carried.
Rep. Wilmer moved that her vote for **HB 403** be counted as a '**NO**' vote. Motion carried.

ANNOUNCEMENTS

Mr. Speaker announced that we will not be meeting this Saturday, April 4th, 2009.

Thursday will be House Pictures. Staff pictures will begin at 12:00 p.m. and Legislators pictures will be at 12:30 p.m. please do your best to be on time.

On your desks is an interim committee assignment preference form. Please fill it out and turn it into the Chief Clerks office before Easter break which is next Thursday.

We will use the form to build a spreadsheet that will be provided to leadership of both parties to make assignments to interim committees.

Please be aware appointments to National Council of State Legislatures and the Council of state Governments often do not include travel expenses. Please request to be on those committees only if you have the ability to pay your own travel expenses to attend the meetings which will be held outside of Montana.

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If you do not turn in the form, it is likely you will not be assigned to a committee.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 11:30 a.m., Wednesday, April 1, 2009. Motion carried.

House adjourned at 3:14 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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61ST LEGISLATURE
SEVENTY-SECOND LEGISLATIVE DAY**

Helena, Montana
April 1, 2009

House Chambers
State Capitol

House convened at 11:30 a.m. Mr. Speaker in the Chair. Invocation by Rep. Pease-Lopez. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman): 4/1/2009
HB 677, introduced bill, be amended as follows:

1. Page 4, line 15 through line 17.
Strike: section 5 in its entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Van Dyk, Chairman): 4/1/2009
SB 32, be amended as follows:

1. Title, line 6.
Strike: "AND A LICENSED PHYSICAL THERAPIST"
2. Page 3, line 9.
Strike: "A LICENSED PHYSICAL THERAPIST,"
3. Page 3, line 13.
Strike: "A LICENSED PHYSICAL THERAPIST,"
4. Page 3, line 17.
Strike: "A LICENSED PHYSICAL THERAPIST,"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 4/1/2009

SB 490, introduced by R. Brown
SB 507, introduced by Story
SB 508, introduced by Brueggeman

House bills concurred in and returned to the House: 4/1/2009

HB 98, introduced by Di. Barrett
HB 116, introduced by McNutt
HB 263, introduced by Smith
HB 264, introduced by Smith

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HB 357, introduced by Berry
HB 451, introduced by Ebinger
HB 495, introduced by Arntzen
HB 513, introduced by Cohenour
HB 529, introduced by Jones
HB 572, introduced by Pomnichowski

SB 48 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 48**:

4/1/2009

Senator Esp, Chair
Senator Gillan
Senator Tutvedt

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

4/1/2009

HB 218, introduced by Menahan
HB 443, introduced by Menahan
HB 591, introduced by Pease-Lopez

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments:

4/1/2009

HJR 33, introduced by Bergren

MESSAGES FROM THE GOVERNOR

April 1, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 322, "**AN ACT REQUIRING A PERSON NOMINATED OR APPOINTED AS A NEUTRAL ARBITRATOR TO DISCLOSE A CONFLICT OF INTEREST; PROVIDING FOR VACATING AN AWARD BECAUSE OF A FAILURE TO DISCLOSE A CONFLICT OF INTEREST; AND AMENDING SECTIONS 27-5-211 AND 27-5-312, MCA**" for the following reasons.

I have proposed these amendments at the request of the bill's sponsor, Representative Blewett. House Bill 322 establishes disclosure requirements for arbitrators. My amendments cover three technical areas. First, they clarify that it is the arbitrator that must comply with the requirements, not the arbitration agreement. Second, they correct

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what appears to have been an error in an amendment that was placed on the bill in the legislative process, so as to indicate that the disclosure requirements of subsection (4)(d) of section 1 of the bill apply to "neutral" arbitrators, not to "party" arbitrators, whose disclosure requirements are contained in subsection (4)(c) of section 1. Finally, it was always the intent of the bill that its disclosure requirements apply to arbitrators who have been proposed. The sponsor recently learned, however, of a court decision distinguishing "proposed" arbitrators from "nominated" arbitrators. Therefore, my amendments indicate that the disclosure requirements apply not only to "nominated and appointed" arbitrators, but to "proposed" arbitrators,"as well.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 322

1. Title, line 4.

Following: "PERSON"

Insert: "PROPOSED,"

Following: "NOMINATED"

Insert: ", "

2. Page 1, lines 13 and 14.

Following: "(2)" on line 13

Insert: "Beginning October 1, 2009, a person who has been proposed, nominated, or appointed as a neutral arbitrator pursuant to an"

Following: "bargaining agreement" on line 13

Insert: remainder of line 13 through "2009," on line 14.

3. Page 1, line 15

Following: "been"

Insert: "proposed,"

Following: "nominated"

Insert: ", "

4. Page 1, line 18.

Following: "person"

Insert: "proposed,"

Following: "nominated"

Insert: ", "

5. Page 2, line 12.

Strike: "A PARTY ARBITRATOR AND NOT"

6. Page 2, line 13.

Following: "ARBITRATOR"

Strike: remainder of line 13 in its entirety

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7. Page 3, line 3.

Following: "person"

Insert: "proposed,"

Following: "nominated"

Insert: ", "

8. Page 3, line 5.

Following: line 4

Insert: "proposal,"

Following: "nomination"

Insert: ", "

Rep. Phillips announced that the House Democrats will caucus for 15 minutes.

Rep. Mendenhall announced that the House Republicans will stand at ease.

Mr. Speaker announced that the House will recess until 12:00 p.m.

The House came to order at 12:07 p.m.

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 35, introduced by Himmelberger, referred to State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

SB 490, introduced by R. Brown, referred to Taxation.

SB 507, introduced by Story, referred to Taxation.

SB 508, introduced by Brueggeman, Sonju, Sesso, Vance, Laslovich, MacLaren, Hollenbaugh, Barkus,, referred to Transportation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wiseman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 62 - Representative Cohenour moved **SB 62** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson,

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Wiseman, Mr. Speaker.
Total 98

Nays: Wagner.
Total 1

Excused: None.
Total 0

Absent or not voting: Pomnichowski.
Total 1

SB 71 - Representative Hands moved **SB 71** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Hawk, Kasten, Lake.
Total 3

Excused: None.
Total 0

Absent or not voting: Hiner, Sonju.
Total 2

SB 76 - Representative Hollandsworth moved **SB 76** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Himmelberger, Mendenhall.
Total 2

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

SB 84 - Representative Hiner moved **SB 84** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.
Total 95

Nays: Howard, Mendenhall, More, Stahl.

Total 4

Excused: None.

Total 0

Absent or not voting: Wilson.

Total 1

SB 124 - Representative Ingraham moved **SB 124** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 126 - Representative Taylor moved **SB 126** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel,

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Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Welborn.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 127 - Representative P. Noonan moved **SB 127** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Berry, Boniek, Kerns, Mendenhall, More, Regier, Sales, Vincent, Wagner.

Total 9

Excused: None.

Total 0

Absent or not voting: Arntzen, Stahl.

Total 2

SB 136 - Representative Bennett moved **SB 136** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Himmelberger, McClafferty.

Total 2

SB 151 - Representative Furey moved **SB 151** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Stoker, Van Dyk.

Total 2

Excused: None.

Total 0

Absent or not voting: Boss Ribs, Himmelberger.

Total 2

SB 156 - Representative Ingraham moved **SB 156** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: McGillvray, Pomnichowski, Randall, Warburton.

Total 4

Excused: None.

Total 0

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Absent or not voting: Campbell.
Total 1

SB 192 - Representative Hunter moved **SB 192** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Bennett, Kerns, Randall.
Total 3

Excused: None.
Total 0

Absent or not voting: Dickenson.
Total 1

SB 193 - Representative Vincent moved **SB 193** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Belcourt, Roberts, Wagner, Welborn.
Total 4

SB 222 - Representative Warburton moved **SB 222** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt,

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Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 80

Nays: Bean, Berry, Blasdel, Butcher, Hawk, Hendrick, Kasten, Kerns, Lake, MacLaren, McGillvray, More, Morgan, Sales, Smith, Sonju, Stoker, Vincent, Welborn.
Total 19

Excused: None.
Total 0

Absent or not voting: Mendenhall.
Total 1

SB 227 - Representative Wilmer moved **SB 227** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 88

Nays: Ankney, Bennett, Boniek, Caferro, Howard, Kerns, MacDonald, More, Morgan, Pease-Lopez, Pomnichowski, Vance.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 275 - Representative Furey moved **SB 275** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 84

Nays: Bean, Blasdel, Boniek, Butcher, Hendrick, Kasten, Kerns, McGillvray, Mendenhall, Miller, Randall, Regier, Sales, Sonju, Taylor.
Total 15

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Excused: None.
Total 0

Absent or not voting: Belcourt.
Total 1

SB 276 - Representative Sands moved **SB 276** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: McGillvray, Randall.
Total 2

Excused: None.
Total 0

Absent or not voting: Mendenhall.
Total 1

SB 281 - Representative Blewett introduced **SB 281**

SB 281 - Representative Blewett moved **SB 281** be amended as follows:

1. Page 2, line 22.

Following: "TITLE 45"

Strike: " „"

Insert: "or"

2. Page 2, line 23.

Strike: "OR TITLE 87"

Motion to amend, carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

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Nays: More, Pease-Lopez.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 281 - Representative Blewett moved **SB 281** as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman.
Total 88

Nays: Augare, Becker, Belcourt, Caferro, McGillvray, Mendenhall, More, Pease-Lopez, Wagner, Warburton, Mr. Speaker.
Total 11

Excused: None.
Total 0

Absent or not voting: Welborn.
Total 1

SB 297 - Representative Milburn moved **SB 297** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 86

Nays: Bennett, Boniek, Jopek, Kerns, McGillvray, Mendenhall, More, Randall, Sales, Stoker, Vincent, Wagner, Welborn.
Total 13

Excused: None.
Total 0

Absent or not voting: Reichner.
Total 1

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SB 308 - Representative Hunter moved **SB 308** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: Belcourt, Blasdel, Hawk, Ingraham, Kerns, Lake, McGillvray, Mendenhall, Miller, Randall, Regier, Sales, Wagner.

Total 13

Excused: None.

Total 0

Absent or not voting: Blewett, Hiner.

Total 2

SB 311 - Representative McClafferty moved **SB 311** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: P. Beck, Caferro, Henry.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 349 - Representative Sonju introduced **SB 349**.

SB 349 - Representative Sonju moved **SB 349** be amended as follows:

1. Page 2, line 30.

Following: line 29

Insert: "NEW SECTION. **Section 3. Department to provide information to assist contractors asserting confidentiality claims.** The department or governmental body shall provide contractors and prospective contractors

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with information as to procedures the contractors may use to assert a claim of confidentiality with respect to protected information that must be submitted to the department or governmental body with regard to bids or contracts, such as trade secrets or proprietary information. The information provided by the department may include a model affidavit that can be adapted for use by the contractor or prospective contractor to meet the particular confidentiality claim being asserted."

Renumber: subsequent sections

2. Page 3, line 22.

Following: line 21

Insert: "NEW SECTION. Section 5. Codification instruction. [Section 5] is intended to be codified as an integral part of Title 18, chapter 4, part 1, and the provisions of Title 18, chapter 4, part 1, apply to [section 45]."

Motion to amend, carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Caferro, Dickenson, Hollenbaugh, Pomnichowski, Sesso.

Total 5

Excused: None.

Total 0

Absent or not voting: Arntzen.

Total 1

SB 349 - Representative Sonju moved **SB 349** as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Caferro, Dickenson, Hands, Hollenbaugh, Phillips, Pomnichowski, Sesso.

Total 7

Excused: None.

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Total 0

Absent or not voting: Belcourt, Campbell.

Total 2

SB 360 - Representative Menahan moved **SB 360** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boniek, Boss Ribs, Brown, Butcher, Campbell, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 82

Nays: Barrett, Becker, Boland, Caferro, Cohenour, Dickenson, Driscoll, Hands, Henry, MacDonald, Malek, Pomnichowski, Reinhart, Roundstone, Sands, Wilmer, Wilson, Wiseman.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 367 - Representative Ingraham moved **SB 367** be concurred in. Motion carried as follows:

-

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 375 - Representative Milburn moved **SB 375** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel,

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Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

SB 388 - Representative Arntzen moved **SB 388** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Taylor, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 64

Nays: Bean, Bennett, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Randall, Roberts, Sales, Smith, Stahl, Stoker, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 35

Excused: None.

Total 0

Absent or not voting: Caferro.

Total 1

SB 392 - Representative Fleming moved **SB 392** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

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Nays: Bean, B. Beck, Butcher, Ingraham, Kasten, Kerns, Lake, Miller, Peterson, Randall, Sales, Sonju, Stahl, Stoker, Wagner, Welborn.

Total 16

Excused: None.

Total 0

Absent or not voting: More, Reichner, Vincent.

Total 3

SB 400 - Representative K. Peterson moved **SB 400** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: B. Beck, Reichner, Sonju, Stahl, Welborn.

Total 5

Excused: None.

Total 0

Absent or not voting: Roundstone.

Total 1

SB 401 - Representative More moved **SB 401** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: B. Beck, Smith.

Total 2

Excused: None.

Total 0

Absent or not voting: Stahl.

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Total 1

SB 405 - Representative Becker moved **SB 405** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 424 - Representative Boland moved **SB 424** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 60

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Welborn.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 441 - Representative Kottel moved **SB 441** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth,

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Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Arntzen, Boniek, Welborn.

Total 3

SB 444 - Representative Reinhart moved **SB 444** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 74

Nays: Bean, Blasdel, Boniek, Hawk, Hendrick, Himmelberger, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Vincent, Wagner, Warburton, Welborn.

Total 25

Excused: None.

Total 0

Absent or not voting: Arntzen.

Total 1

SB 463 - Representative Furey moved **SB 463** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

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Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Campbell, Vincent.
Total 2

SJR 11 - Representative Fleming moved **SJR 11** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 67

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Miller, More, Morgan, Nooney, Randall, Regier, Reichner, Smith, Sonju, Stoker, Vance, Vincent, Washburn.
Total 32

Excused: None.
Total 0

Absent or not voting: Sales.
Total 1

SJR 20 - Representative Sales moved **SJR 20** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 90

Nays: Arntzen, Lake, MacLaren, McGillvray, O'Hara, Reichner, Smith, Stoker, Vance.
Total 9

Excused: None.
Total 0

Absent or not voting: Fleming.
Total 1

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SJR 25 - Representative Wilmer moved **SJR 25** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 53

Nays: Ankney, Augare, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, MacLaren, McGillvray, McNutt, Mehlhoff, Mendenhall, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Welborn.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 26 - Representative Sands moved **SJR 26** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: B. Beck, Berry, Brown, Butcher, Hawk, Ingraham, Kerns, Lake, Mendenhall, Miller, More, Morgan, Regier, Sales, Vance, Wagner.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 32 - Representative Sales moved **SB 32** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, Morgan, A. Noonan, Nooney, O'Hara, Peterson, Randall, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer,

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Wilson, Wiseman, Mr. Speaker.
Total 77

Nays: Bean, P. Beck, Butcher, Cohenour, Dickenson, French, Hawk, Himmelberger, Hollandsworth, Howard, Lake, MacDonald, Malek, McClafferty, Menahan, More, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 33 - Senate Amendments - Representative Bergren moved Senate amendments to **HJR 33** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 83

Nays: Boniek, Howard, Ingraham, Kasten, Kerns, McGillvray, Mendenhall, Miller, More, Randall, Regier, Sales, Smith, Stahl, Vance, Vincent, Wagner.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Wiseman moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.
Total 90

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Nays: Boniek, McGillvray, Mendenhall, Miller, More, Sales, Vance, Vincent, Wagner.
Total 9

Excused: None.
Total 0

Absent or not voting: Wilson.
Total 1

Mr. Speaker moved that **HJR 33** be placed on 3rd reading this the 72nd legislative day. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 386, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 9 concurred in as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 59

Nays: Ankney, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Hawk, Hendrick, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner,

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Warburton, Washburn, Welborn.
Total 40

Excused: None.
Total 0

Absent or not voting: Miller.
Total 1

SB 68 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 78

Nays: Berry, Blasdel, Brown, Butcher, Hendrick, Himmelberger, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, Peterson, Randall, Smith, Taylor, Vincent, Wagner, Warburton, Welborn.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 200 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 61

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Wagner, Warburton, Welborn.
Total 39

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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SB 228 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 87

Nays: Boland, Cohenour, Dickenson, Driscoll, Hollenbaugh, Jopek, Lake, Malek, A. Noonan, Pomnichowski, Roundstone, Van Dyk, Wiseman.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 235 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, O'Hara, Pease-Lopez, Randall, Regier, Reinhart, Roundstone, Sands, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Mr. Speaker.

Total 69

Nays: Barrett, Bennett, Blasdel, Brown, Hands, Hendrick, Ingraham, Kerns, McNutt, Mendenhall, Miller, More, P. Noonan, Nooney, Peterson, Phillips, Pomnichowski, Reichner, Roberts, Sales, Sesso, Sonju, Vance, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman.

Total 30

Excused: None.

Total 0

Absent or not voting: McGillvray.

Total 1

SB 261 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 58

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Nays: Augare, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 268 concurred in as follows:

Yeas: Arntzen, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman.

Total 68

Nays: Ankney, Augare, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Campbell, Hawk, Hollandsworth, Ingraham, Jones, Jopek, Kasten, Lake, Mendenhall, Milburn, Miller, More, Randall, Regier, Reichner, Sales, Sonju, Stahl, Vance, Vincent, Wagner, Warburton, Welborn, Mr. Speaker.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 290 concurred in as follows:

Yeas: Arntzen, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Ankney, Augare, Bean, Blewett, Driscoll, Villa.

Total 6

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

SB 294 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 78

Nays: Bean, Boniek, Butcher, Hawk, Hollandsworth, Ingraham, Kasten, Kerns, Lake, Mendenhall, Milburn, Miller, More, Randall, Roberts, Sales, Taylor, Vance, Vincent, Wagner, Washburn, Welborn.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 305 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 94

Nays: Blasdel, Driscoll, Mendenhall, Morgan, Wagner, Wiseman.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 330 concurred in as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski,

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Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 57

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 43

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 396 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Stahl.
Total 1

SB 427 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 442 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 76

Nays: B. Beck, Bennett, Berry, Blasdel, Hawk, Himmelberger, Hollandsworth, Howard, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, Randall, Regier, Reichner, Sales, Smith, Sonju, Vance, Vincent, Wagner.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 447 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 84

Nays: Bean, Bennett, Hawk, Himmelberger, Howard, Kerns, McGillvray, McNutt, Mendenhall, Miller, More, Peterson, Randall, Reichner, Sales, Smith.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 457 concurred in as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Wagner, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hollandsworth, Howard, Jones, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Randall, Regier, Reichner, Sales, Smith, Stoker, Vance, Vincent, Warburton, Welborn.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 17 concurred in as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 74

Nays: Arntzen, Bean, Bennett, Blasdel, Brown, Hawk, Himmelberger, Hoven, Howard, Ingraham, Kerns, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Roberts, Sales, Smith, Sonju, Vance, Vincent, Wagner, Washburn.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 33 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 74

Nays: Bean, Bennett, Blasdel, Boniek, Howard, Ingraham, Kasten, Kerns, McGillvray, Mendenhall, Milburn, Miller, More, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Vance, Vincent, Wagner.

Total 24

Excused: None.

Total 0

Absent or not voting: Himmelberger, Lake.

Total 2

MOTIONS

Rep. Campbell moved the Conference Committee on **HB 622** be dissolved and that the Speaker be authorized to appoint a **FREE** Conference Committee on **HB 622**.

Speaker Bergren:

The Speaker Appoints

Rep. Dickenson, Vice-Chair

Rep. Hands

Rep. MacLaren

Rep. Himmelberger

Rep. Campbell moved that the Speaker be authorized to appoint a conference committee on **SB 48** and request that Senate to appoint a like committee.

Speaker Bergren:

Senate Appoints

Sen. Esp, Chair

Sen. Gillian

Sen. Tutvedt

The Speaker Appoints

Rep. Pomnichowski, Vice-Chair

Rep. Wiseman

Rep. Lake

Rep. Blasdel

Rep. MacLaren moved to reconsider 3rd reading actions taken yesterday on **SB 306**. Motion requires simple majority vote. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Caferro, Campbell, Dickenson, Ebinger, French, Furey, Glaser, Grinde, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 82

Nays: Becker, Blewett, Boss Ribs, Cohenour, Driscoll, Fleming, Getz, Hamilton, Hands, Hollenbaugh, Malek, McAlpin, Mehlhoff, Pomnichowski, Reinhart, Mr. Speaker.

Total 16

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Excused: None.
Total 0

Absent or not voting: Boland, Lake.
Total 2

Rep. Campbell move that **SJR 25** be moved to the Appropriations Committee. Motion carried.

ANNOUNCEMENTS

House pictures will be on Thursday. Staff will begin at 12:00 p.m. Legislators photos will be at 12:30. Please be on time.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Thursday, April 2, 2009. Motion carried.

House adjourned at 2:57 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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61ST LEGISLATURE
SEVENTY-THIRD LEGISLATIVE DAY**

Helena, Montana
April 2, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Bean. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representative Lake, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):
SB 65, be amended as follows:

4/2/2009

1. Title, page 1, line 12.

Following: "SECTIONS"

Insert: "17-2-107,"

2. Page 1, line 19.

Following: line 18

Insert: "Section 1. Section 17-2-107, MCA, is amended to read:

"17-2-107. Accurate accounting records and interentity loans. (1) The department shall record receipts and disbursements for treasury funds and for accounting entities within treasury funds and shall maintain records in a manner that reflects the total cash and invested balance of each fund and each accounting entity. The department shall adopt the necessary procedures to ensure that interdepartmental or intradepartmental transfers of money or loans do not result in inflation of figures reflecting total governmental costs and revenue.

(2) (a) ~~Subject~~ Except as provided in 77-1-108 and subject to 17-2-105, when the expenditure of an appropriation from a fund designated in 17-2-102(1) through (3) is necessary and the cash balance in the accounting entity from which the appropriation was made is insufficient, the department may authorize a temporary loan, bearing no interest, of unrestricted money from other accounting entities if there is reasonable evidence that the income will be sufficient to repay the loan within 1 calendar year and if the loan is recorded in the state accounting records. An accounting entity receiving a loan or an accounting entity from which a loan is made may not be so impaired that all proper demands on the accounting entity cannot be met even if the loan is extended.

(b) (i) When an expenditure from a fund or subfund designated in 17-2-102(4) is necessary and the cash balance in the fund or subfund from which the expenditure is to be made is insufficient, the commissioner of higher education may authorize a temporary loan, bearing interest as provided in subsection (4) of this section, of money from the agency's other funds or subfunds if there is reasonable evidence that the income will be sufficient to repay the loan within 1 calendar year and if the loan is recorded in the state accounting records. A fund or subfund receiving a loan or from which a loan is made may not be so impaired that all proper demands on the fund or subfund cannot be met even if the loan is extended.

(ii) One accounting entity within each fund or subfund designated in 17-2-102(4) must be established for the sole purpose of recording loans between the funds or subfunds. This accounting entity is the only accounting entity within each fund or subfund that may receive a loan or from which a loan may be made.

(c) A loan made under subsection (2)(a) or (2)(b) must be repaid within 1 calendar year of the date on which the loan is approved unless it is extended under subsection (3) or by specific legislative authorization.

(3) Under unusual circumstances, the director of the department or the board of regents may grant one extension for up to 1 year for a loan made under subsection (2)(a) or (2)(b). The director or board shall prepare a written justification and proposed repayment plan for each loan extension authorized and shall furnish a copy of the written justification and proposed repayment plan to the house appropriations and senate finance and claims committees at the next legislative session.

(4) Any loan from the current unrestricted subfund to funds designated in 17-2-102(4)(a)(iv) and (4)(b) through (4)(f) must bear interest at a rate equivalent to the previous fiscal year's average rate of return on the board

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of investments' short-term investment pool.

(5) If for 2 consecutive fiscal yearends a loan or an extension of a loan has been authorized to the same accounting entity as provided in subsection (2) or (3), the department or the commissioner of higher education shall submit to the legislative finance committee by September 1 of the following fiscal year a written report containing an explanation as to why the second loan or extension was made, an analysis of the solvency of the accounting entity or accounting entities within the university fund or subfund, and a plan for repaying the loans.

(6) If for 2 consecutive fiscal yearends an accounting entity in a fund or subfund designated in 17-2-102(4) has a negative cash balance, the commissioner of higher education shall submit to the legislative finance committee by September 1 of the following fiscal year a written report containing an explanation as to why the accounting entity has a negative cash balance, an analysis of the solvency of the accounting entity, and a plan to address any problems concerning the accounting entity's negative cash balance or solvency.

(7) (a) An accounting entity in a fund designated in 17-2-102(1) through (3) may not have a negative cash balance at fiscal yearend. The department may, however, allow a fund type within each agency to carry a negative balance at any point during the fiscal year if the negative cash balance does not exist for more than 7 working days.

(b) (i) Except as provided in subsection (7)(b)(ii) of this section, a unit of the university system shall maintain a positive cash balance in the funds and subfunds designated in 17-2-102(4).

(ii) If a fund or subfund inadvertently has a negative cash balance, the department may allow the fund or subfund to carry the negative cash balance for no more than 7 working days. If the negative cash balance exists for more than 7 working days, a transaction may not be processed through the statewide accounting system for that fund or subfund.

(8) Notwithstanding the provisions of subsections (2) through (4), the department may authorize loans to accounting entities in the federal and state special revenue funds with long-term repayment whenever necessary because of the timing of the receipt of agreed-upon reimbursements from federal, private, or other governmental entity sources for disbursements made. If possible, the loans must be made from funds other than the general fund. The department may approve the loans if the requesting agency can demonstrate that the total loan balance does not exceed total receivables from federal, private, or other governmental entity sources and receivables have been billed on a timely basis. The loan must be repaid under terms and conditions that may be determined by the department or by specific legislative authorization.

(9) A loan may not be authorized under this section to any fund or accounting entity that is owed federal or other third-party funds unless the requesting agency certifies to the agency approving the loan that it has and will continue to bill the federal government or other third party for the requesting agency's share of costs incurred in the fund or accounting entity on the earliest date allowable under federal or other third-party regulations applicable to the program. The requesting agency shall recertify its timely billing status to the agency that approved the loan at least monthly during the term of the loan. If at any time the requesting agency fails to recertify the timely billing, the agency that approved the loan shall cancel the loan and return the money to its original source."

Renumber: subsequent sections

3. Page 6, line 1.

Following: "(4)"

Insert: "of this section"

4. Page 6, line 4 through line 5.

Strike: "22"

Insert: "25"

Strike: "use funds" on line 4 through "account" on line 5

Insert: "receive a general fund loan pursuant to 17-2-107"

5. Page 6, line 5.

Strike: "Those funds must be reimbursed with"

Insert: "A general fund loan made pursuant to this subsection (3)(c) must be repaid within 5 years and must bear"

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6. Page 6, line 9.

Strike: "22"

Insert: "25"

7. Page 6, line 24.

Following: "lands."

Insert: "If the appropriation in subsection (5)(a) is insufficient to pay the calculated administrative cost, a general fund loan may be used pursuant to 17-2-107 to offset the difference. A general fund loan made pursuant to this subsection (5)(b) must be repaid within 5 years and must bear interest at a rate of return equal to that earned by the board of investments' short-term investment pool during that period."

8. Page 6, line 25.

Following: line 24

Insert: "Section 9. Section 77-1-108, MCA, is amended to read:

"77-1-108. Trust land administration account -- administrative costs -- appropriation. (1) There is a trust land administration account in the state special revenue fund. Money in the account is available to the department by appropriation and must be used to pay the costs of administering state trust lands. This includes the cost of managing assets, including but not limited to real property and monetary assets.

(2) Appropriations from the account for each fiscal year may not exceed ~~the sum of 1 1/8% of the book value balance in the permanent funds administered by the department, an amount equal to 25% of the distributable revenue, as defined in 77-1-101, generated in the fiscal year completed prior to the legislative session that will appropriate money for the next biennium. This excludes revenue generated by the forest improvement fee provided for in 77-5-204 other than the fund containing proceeds derived from land granted to the state pursuant to the Morrill Act of 1862, 7 U.S.C. 301 through 308, and the Morrill Act of 1890, 7 U.S.C. 321 through 329, on the first day of January preceding the new biennium and 10% of the revenue deposited in the capitol building land grant trust fund in the last-completed fiscal year prior to the new biennium.~~

(3) (a) Pursuant to subsection (1), the administrative costs must be determined for each land trust. The department may adopt rules regarding the calculation of administrative costs as necessary.

(b) Each fiscal year, the department shall compare administrative costs for each land trust to the amount of revenue that land trust generates for the account. If the amount of revenue deposited pursuant to 77-1-109(2) exceeds the administrative costs for a specific land trust, the excess revenue must be distributed as provided in subsection (4) of this section.

(c) If revenue deposited from a specific land trust is insufficient to defray the administrative costs associated with managing that land trust and the money held for that trust in the earnings reserve account, established in [section 25], is also insufficient, the board may receive a general fund loan pursuant to 17-2-107 to offset the difference. A general fund loan made pursuant to this subsection (3)(c) must be repaid within 5 years and must bear interest at a rate of return equal to that earned by the board of investments' short-term investment pool during that period.

~~(3)(4)~~ (a) Except as provided in ~~subsection (4)~~ subsections (4)(b) and (5), up to one-third of the unreserved distributable revenue funds remaining in the account at the end of a fiscal year ~~must~~ may be transferred to the earnings reserve account, provided for in [section 25], and accounted for by trust. The remaining unreserved revenue must be transferred to each of the permanent funds in proportionate shares to each fund's contribution to the account ~~as calculated in 77-1-109(3).~~

(b) At the end of the fiscal year, unreserved funds received pursuant to 77-1-109(2)(a)(ii) must be transferred to each of the permanent funds or to the appropriate trust or distributed to the beneficiary in proportionate shares to each fund's contribution to the account.

~~(4)~~ (a) (5) (a) The amount of \$80,000 each biennium is transferred from the state general fund to an account in the state special revenue fund. The account is statutorily appropriated, as provided in 17-7-502, to the department for the purposes of administering the land granted to the state pursuant to the Morrill Act of 1862, 7 U.S.C. 301 through 308, and the Morrill Act of 1890, 7 U.S.C. 321 through 329. Any unexpended portion of the statutory appropriation may be retained in the account and used for the administration of the Morrill Act land.

(b) At the end of each fiscal year, the department shall pay from the appropriation in subsection ~~(4)~~ (5)(a)

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to the trust containing proceeds derived from land granted to the state pursuant to the Morrill Act of 1862, 7 U.S.C. 301 through 308, and the Morrill Act of 1890, 7 U.S.C. 321 through 329, an amount calculated to be the cost of administering the investment of the fund derived from that trust. The payment must be based upon the percentage that the Morrill Act fund constitutes of the total fund derived from all trust lands. If the appropriation in subsection (5)(a) is insufficient to pay the calculated administrative cost, a general fund loan may be used pursuant to 17-2-107 to offset the difference. A general fund loan made pursuant to this subsection (5)(b) must be repaid within 5 years and must bear interest at a rate of return equal to that earned by the board of investments' short-term investment pool during that period."

Renumber: subsequent sections

9. Page 7, line 29.

Following: line 28

Insert: "Section 11. Section 77-1-109, MCA, is amended to read:

"77-1-109. Deposits of proceeds in trust land administration account. (1) The amount of money that is deposited into the trust land administration account established in 77-1-108 may not exceed an amount equal to 25% of distributable revenue generated in the fiscal year completed prior to the legislative session that will appropriate money for the next biennium. This excludes revenue generated by the forest improvement fee provided for in 77-5-204.

(1)(2) (a) Subject to subsection (1), the department shall, until the deposit equals the amount appropriated for the fiscal year pursuant to 77-1-108, deposit into the trust land administration account created by 77-1-108 the following:

(i) distributable revenue;

(i) mineral royalties;

(ii)(ii) the proceeds or income from the sale of easements and timber, except timber from public school and Montana university system lands; and

(iii) 5% of the interest and income annually credited to the public school fund in accordance with 20-9-341;
and

(iv)(iii) fees collected pursuant to 77-2-328.

(b) As deposits are made, they must be identified and accounted for by trust.

(c) The department may not make deductions from interest or income generated from lands granted to the state pursuant to the Morrill Act of 1862, 7 U.S.C. 301 through 308, and the Morrill Act of 1890, 7 U.S.C. 321 through 329.

(2)(3) After the deposits in subsection (1) (2) have been made, the remainder of the proceeds, other than proceeds from timber from Montana university system lands and other than those purchased pursuant to 17-6-340, must be deposited in the appropriate permanent fund and the capitol building land grant trust fund accordance with 17-3-1003, 18-2-107, and 20-9-341(2). Timber proceeds from university system lands must be paid over to the state treasurer, who shall deposit the money to the credit of the proper fund for use as provided in 17-3-1003(1). Royalty payments purchased pursuant to 17-6-340 must be used as provided in that section and 20-9-622.

(3) The amount of money that is deposited into the trust land administration account may not exceed 1 1/8% of the book value balance in each of the permanent funds, other than the fund containing proceeds derived from lands granted to the state pursuant to the Morrill Act of 1862, 7 U.S.C. 301 through 308, and the Morrill Act of 1890, 7 U.S.C. 321 through 329, administered by the department on the first day of January preceding the new biennium and 10% of the previous fiscal year revenue deposited into the capitol building land grant trust fund."

Renumber: subsequent sections

10. Page 16, line 10.

Strike: "23"

Insert: "26"

11. Page 17, line 26.

Strike: "22"

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Insert: "25"

12. Page 18, line 9.

Strike: "22"

Insert: "25"

13. Page 18, line 10.

Strike: "22"

Insert: "25"

14. Page 18, line 12.

Strike: "23"

Insert: "26"

15. Page 18, line 13.

Strike: "23"

Insert: "26"

16. Page 18, line 15.

Strike: "[This act]"

Insert: "(1) Except as provided in subsection (2), [this act]"

17. Page 18, line 16.

Following: line 15

Insert: "(2) [Sections 9 and 11] are effective July 1, 2013."

And, as amended, be concurred in. Report adopted.

HUMAN SERVICES (Becker, Chairman):

4/2/2009

SB 439, be concurred in. Report adopted.

HJR 34, be concurred in. Report adopted.

JUDICIARY (Stoker, Chairman):

4/2/2009

SB 263, be amended as follows:

1. Page 1, line 21.

Strike: "DISTRICT"

2. Page 1, line 22.

Strike: "may"

Insert: "shall"

Following: "pay the"

Insert: "minimum"

3. Page 1, line 23.

Following: "defendant"

Insert: "as provided in subsection (5) and may require a defendant to pay additional costs and expenses if a statement is filed as provided in subsection (2)"

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4. Page 1, line 27.

Strike: "IS IN THE DISTRICT COURT"

Insert: "includes a jury trial"

5. Page 1, line 28.

Strike: "DISTRICT"

6. Page 2.

Following: line 13

Insert: "(5) The court shall include in every judgment the recovery of the following minimum costs and expenses of the assigned counsel in every case in which the defendant is represented by assigned counsel:

(a) in every misdemeanor case, \$250; and

(b) in every felony case, \$500."

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Milburn, Chairman):

4/2/2009

SB 426, be concurred in. Report adopted.

SB 451, be concurred in. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

4/2/2009

HJR 35, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 79**

And recommend that **Senate Bill 79** be amended as follows:

1. Title, page 1, line 6.

Strike: "CERTAIN TERMS"

Insert: "\"NONEMERGENCY AMBULANCE TRANSPORT\" AND \"VOLUNTEER EMERGENCY MEDICAL TECHNICIAN\""

2 Page 3, line 8.

Following: "OR MORE"

Strike: " "

Insert: "if the ambulance company is transporting a patient"

Following: "THAT COUNTY"

Strike: "WITH"

Insert: "that has"

3. Page 3, line 9.

Following: "OR LESS TO"

Strike: "A"

Insert: "the nearest"

Strike: "IN THAT COUNTY"

Insert: "that is able to meet the patient's medical needs"

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-END-

For the Senate:

Murphy, Chairman
Juneau
Laible

For the House:

Sands, Chairman
Becker
Hendrick
Smith

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 108**

And recommend that **Senate Bill 108** be amended as follows:

1. Title, page 1, lines 7 and 8.

Following: "PROCEEDINGS" on line 7

Strike: "EXCEPT IN CERTAIN CIRCUMSTANCES"

2. Title, page 1, lines 12 and 13.

Following: "PLANS" on line 12

Strike: "EXCEPT IN CERTAIN CIRCUMSTANCES"

3. Page 2, lines 18 and 19.

Following: "SERVICE" on line 18

Strike: "unless" on line 18 through "dishonorable" on line 19

4. Page 5, lines 11 and 12.

Following: "SERVICE" on line 11

Strike: "unless" on line 11 through "dishonorable" on line 11

5. Page 7, lines 25 and 26.

Following: "SERVICE" on line 25

Strike: "unless" on line 25 through "dishonorable" on line 26

-END-

For the Senate:

McGee, Chairman
Jent
Zinke

For the House:

Menahan, Chairman
Kerns
Kottel
Stoker

MESSAGES FROM THE SENATE

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

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4/1/2009

HB 34, introduced by Wilmer
HB 190, introduced by Van Dyk
HB 228, introduced by Kerns
HB 420, introduced by Reinhart
HB 628, introduced by Stoker

House bills concurred in and returned to the House:

4/2/2009

HB 59, introduced by Hamilton
HB 103, introduced by Wilson
HB 170, introduced by Menahan
HB 371, introduced by Cohenour
HB 466, introduced by P. Beck
HB 477, introduced by Menahan
HB 504, introduced by Reinhart

House bill not concurred in and returned to the House:

4/2/2009

HB 211, introduced by Welborn

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 32 concurred in as follows:

Yeas: Ankney, Barrett, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 76

Nays: Arntzen, Augare, Bean, P. Beck, Butcher, Cohenour, Dickenson, French, Hands, Himmelberger, Hollandsworth, Howard, MacLaren, Malek, McClafferty, Menahan, More, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Wilson.

Total 23

Excused: Lake.

Total 1

Absent or not voting: None.

Total 0

SB 62 concurred in as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Lake.

Total 1

Absent or not voting: None.

Total 0

SB 71 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Lake.

Total 1

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

SB 76 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts,

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Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 84 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Howard, Mendenhall, More, Sales.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 124 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 126 concurred in as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: Ankney.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 127 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 88

Nays: Berry, Boniek, Kerns, Mendenhall, More, Regier, Sales, Sonju, Vincent, Wagner, Welborn.
Total 11

Excused: None.
Total 0

Absent or not voting: Hollenbaugh.
Total 1

SB 136 concurred in as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 151 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Van Dyk.

Total 1

SB 156 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands,

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Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: McGillvray, Randall, Wagner, Warburton.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 192 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Bennett, Kerns, Randall.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 193 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Dickenson.

Total 1

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 222 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 77

Nays: Bean, Bennett, Berry, Blasdel, Butcher, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, More, Morgan, Reinhart, Sales, Smith, Stoker, Vincent, Wagner, Welborn.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 227 concurred in as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, A. Noonan, P. Noonan, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 87

Nays: Ankney, Bennett, Boniek, Howard, Kerns, More, Morgan, Nooney, Pease-Lopez, Pomnichowski, Vance, Wagner, Welborn.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 275 concurred in as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 79

Nays: Bean, Blasdel, Boniek, Brown, Butcher, Hendrick, Kasten, Kerns, McGillvray, Mendenhall, Miller, Morgan, Randall, Regier, Sales, Smith, Sonju, Stoker, Taylor, Vincent, Wagner.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 276 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: Kerns, McGillvray, Randall.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 281, as amended by the House, concurred in as follows:

Yeas: Ankney, Barrett, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 85

Nays: Arntzen, Augare, Becker, Belcourt, Boniek, Caferro, Campbell, Jopek, McGillvray, Mendenhall, More, Pease-Lopez, Sales, Wagner, Warburton.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 286, as amended by the House, concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Dickenson, Ebinger, Fleming, French, Furey, Glaser, Hamilton, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Hunter, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Miller, Morgan, P. Noonan, O'Hara, Pease-Lopez, Reichner, Roberts, Roundstone, Smith, Steenson, Stoker, Welborn, Wilson, Wiseman.

Total 55

Nays: Augare, P. Beck, Blasdel, Caferro, Campbell, Cohenour, Driscoll, Getz, Grinde, Hands, Hawk, Henry, Hiner, Hollenbaugh, Ingraham, Jopek, MacLaren, Malek, McAlpin, McChesney, Milburn, More, A. Noonan, Nooney, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Sales, Sands, Sesso, Sonju, Stahl, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Mr. Speaker.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 297 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: Bean, Bennett, Boniek, Howard, Kerns, McGillvray, Mendenhall, Randall, Sales, Smith, Stoker, Vincent, Wagner, Welborn.

Total 14

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

SB 306 concurred in as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Caferro, Campbell, Dickenson, Ebinger, French, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer.
Total 70

Nays: Augare, Barrett, Becker, Blewett, Boland, Boss Ribs, Cohenour, Driscoll, Fleming, Furey, Getz, Hamilton, Hands, Henry, Hollenbaugh, Ingraham, Malek, McAlpin, Menahan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Wagner, Warburton, Wilson, Wiseman, Mr. Speaker.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 308 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 80

Nays: Bean, B. Beck, Bennett, Blasdel, Brown, Butcher, Hawk, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, Randall, Regier, Reichner, Roberts, Sales, Stoker, Wagner.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 311 concurred in as follows:

Yeas: Arntzen, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin,

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McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.
Total 91

Nays: Ankney, Augare, P. Beck, Caferro, Henry, Hollandsworth, Morgan, Reichner, Wilson.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 349 as amended by the House, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Caferro, Dickenson, Pease-Lopez, Pomnichowski, Wagner.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 360 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boniek, Boss Ribs, Brown, Butcher, Campbell, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.
Total 81

Nays: Barrett, Becker, Boland, Caferro, Cohenour, Dickenson, Driscoll, Hamilton, Hands, Henry, MacDonald, Malek, Pomnichowski, Reinhart, Roundstone, Sands, Van Dyk, Wilmer, Wiseman.
Total 19

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Excused: None.
Total 0

Absent or not voting:
Total 0

SB 367 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 375 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 388 concurred in as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Van Dyk, Villa, Vincent, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 68

Nays: Bean, Bennett, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Randall, Reichner, Sales, Smith, Stahl, Stoker, Taylor, Vance, Wagner, Washburn, Welborn.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 392 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 83

Nays: Augare, Bean, Blasdel, Butcher, Ingraham, Kasten, Kerns, Lake, Miller, Morgan, Peterson, Randall, Reichner, Sales, Sonju, Stoker, Welborn.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 400 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn,

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Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: B. Beck, Reichner, Sonju, Stahl.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 401 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: Wagner.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 405 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

SB 424 concurred in as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 64

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Brown, Butcher, Hawk, Hendrick, Himmelberger, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Sales, Smith, Sonju, Stahl, Stoker, Vance, Wagner, Warburton, Washburn, Welborn.
Total 35

Excused: None.
Total 0

Absent or not voting: Hoven.
Total 1

SB 441 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: Lake.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 444 concurred in as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake,

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MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Hawk, Hendrick, Himmelberger, Hollandsworth, Ingraham, Kasten, Kerns, McGillvray, Mendenhall, Miller, More, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Vincent, Wagner, Warburton, Welborn.

Total 27

Excused: None.

Total 0

Absent or not voting: Arntzen.

Total 1

SB 463 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Brown, Mendenhall, Sales, Sonju.

Total 4

Excused: None.

Total 0

Absent or not voting: Hollandsworth.

Total 1

SJR 11 concurred in as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Wagner, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 64

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Miller,

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More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Vance, Vincent, Washburn.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 20 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: B. Beck, Kerns, Lake, MacLaren, McGillvray, Mendenhall, O'Hara, Reichner, Sonju, Stoker, Vance.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 26 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: B. Beck, Brown, Butcher, Hawk, Howard, Ingraham, Kerns, Lake, Mendenhall, Miller, More, Randall, Regier, Sales, Vance, Wagner.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

MOTIONS

Rep. French moved that her vote be changed on SB 286 from a '**NO**' to a '**YES**' vote. Motion carried.

Rep. Wagner moved that his vote be changed on SB 360 from '**ABSENT**' to a '**YES**' vote. Motion carried.

Rep. Boss Ribs moved that her vote be changed on SB 286 from a '**NO**' to a '**YES**' vote. Motion carried.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Reichner in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 677 - Representative Villa moved **HB 677** do pass. Motion **failed** as follows:

Yeas: Ankney, Barrett, P. Beck, Becker, Blewett, Cohenour, Ebinger, Furey, Glaser, Hamilton, Hands, Hollenbaugh, Hoven, Hunter, Jones, Jopek, McAlpin, McClafferty, McNutt, Mehlhoff, A. Noonan, P. Noonan, Roundstone, Sands, Sesso, Van Dyk, Villa, Wilson, Wiseman, Mr. Speaker.

Total 30

Nays: Arntzen, Augare, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Dickenson, Driscoll, Fleming, French, Getz, Grinde, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McChesney, McGillvray, Menahan, Mendenhall, Milburn, Miller, More, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer.

Total 68

Excused: None.

Total 0

Absent or not voting: Hiner, Morgan.

Total 2

HB 322 - Governor's Amendments - Representative Blewett moved Governor's amendments to **HB 322** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

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Nays: Boniek, Kasten, Lake, Sales, Vance, Wagner, Warburton.
Total 7

Excused: None.
Total 0

Absent or not voting: Glaser, Mendenhall, Nooney, Welborn.
Total 4

HB 332 - Governor's Amendments - Representative Getz moved Governor's amendments to **HB 332** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Lake, Peterson.
Total 2

Excused: None.
Total 0

Absent or not voting: Glaser, Jones, Mendenhall.
Total 3

HB 19 - Senate Amendments - Representative Ingraham moved Senate amendments to **HB 19** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

HB 85 - Senate Amendments - Representative Sands moved Senate amendments to **HB 85** be concurred in.
Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Ankney, B. Beck, Becker, Kerns, Morgan, Regier, Smith, Wagner, Welborn.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 95 - Senate Amendments - Representative Hawk moved Senate amendments to **HB 95** be concurred in.
Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 147 - Senate Amendments - Representative MacLaren moved Senate amendments to **HB 147** be concurred in. Motion carried as follows:

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Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 88

Nays: Ankney, Bennett, Boniek, Dickenson, Ingraham, Kasten, Kerns, Miller, Morgan, Regier, Sales, Stahl.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 177 - Senate Amendments - Representative Kottel moved Senate amendments to **HB 177** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 94

Nays: Ankney, Arntzen, Howard, Wagner, Mr. Speaker.
Total 5

Excused: None.
Total 0

Absent or not voting: Campbell.
Total 1

HB 222 - Senate Amendments - Representative Cohenour moved Senate amendments to **HB 222** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips,

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Total 92

Nays: Boniek, Brown, Kerns, Nooney, Stahl, Vance, Wagner, Warburton.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 328 - Senate Amendments - Representative MacLaren moved Senate amendments to **HB 328** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: Pomnichowski, Vance.
Total 2

Excused: None.
Total 0

Absent or not voting: Hoven.
Total 1

HB 338 - Senate Amendments - Representative Ankney moved Senate amendments to **HB 338** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 93

Nays: Dickenson, Miller, Wiseman.

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Total 3

Excused: None.

Total 0

Absent or not voting: Barrett, Belcourt, Fleming, McClafferty.

Total 4

HB 343 - Senate Amendments - Representative A. Noonan moved Senate amendments to **HB 343** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Mr. Speaker.

Total 92

Nays: Caferro, Dickenson, Malek, McGillvray, Pomnichowski, Reinhart, Wiseman.

Total 7

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

HB 362 - Senate Amendments - Representative Henry moved Senate amendments to **HB 362** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Boniek, Kerns, Miller, More, Wagner.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

HB 412 - Senate Amendments - Representative Wiseman moved Senate amendments to **HB 412** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Hendrick, Kasten, Kerns, McGillvray, Regier, Smith, Stoker, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: Hands.

Total 1

HB 488 - Senate Amendments - Representative Jones moved Senate amendments to **HB 488** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Bean, Wagner.

Total 2

Excused: None.

Total 0

Absent or not voting: Hands.

Total 1

HB 517 - Senate Amendments - Representative Hollenbaugh moved Senate amendments to **HB 517** be concurred in. Motion carried as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Howard, Morgan, Vincent, Wagner.

Total 4

Excused: None.

Total 0

Absent or not voting: Hoven.

Total 1

HB 544 - Senate Amendments - Representative Vincent moved Senate amendments to **HB 544** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Hendrick.

Total 1

HB 557 - Senate Amendments - Representative Belcourt moved Senate amendments to **HB 557** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray,

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Total 99

Nays: Pomnichowski.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 563 - Senate Amendments - Representative Kottel moved Senate amendments to **HB 563** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Jopek.

Total 1

HB 567 - Senate Amendments - Representative Sonju moved Senate amendments to **HB 567** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

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Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hendrick.
Total 1

HB 588 - Senate Amendments - Representative Ankney moved Senate amendments to **HB 588** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: Berry.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 591 - Senate Amendments - Representative Pease-Lopez moved Senate amendments to **HB 591** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 82

Nays: B. Beck, Berry, Blasdel, Boniek, Brown, Himmelberger, Ingraham, Kerns, MacLaren, Miller, Peterson, Regier, Sales, Smith, Stoker, Vance, Wagner.
Total 17

Excused: None.
Total 0

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Absent or not voting: Stahl.
Total 1

HJR 4 - Senate Amendments - Representative Vincent moved Senate amendments to **HJR 4** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Dickenson, Henry, MacLaren, Morgan, Peterson, Stoker.
Total 6

Excused: None.
Total 0

Absent or not voting: Klock.
Total 1

HJR 14 - Senate Amendments - Representative Warburton moved Senate amendments to **HJR 14** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Campbell, Cohenour, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 88

Nays: Barrett, Boss Ribs, Caferro, Dickenson, Driscoll, Hamilton, Henry, Malek, Pease-Lopez, Peterson, Pomnichowski, Wiseman.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Reichner moved the Committee of the Whole report be adopted. Report adopted as follows:

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Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 92

Nays: Boniek, Miller, More, Vance.

Total 4

Excused: Lake.

Total 1

Absent or not voting: Ankney, Reichner, Wilson.

Total 3

ANNOUNCEMENTS

Mr. Speaker announced that Sunday is the memorial service of the House Floor. During this time, the floor will be available to the public. In order to protect your personal items please have your desks completely cleared off on Friday. At the close of business on Friday, the Sergeant of Arms will lock of the desk drawers and will unlock them on Monday morning.

The House will not meet this Saturday, April 4th.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:00 p.m., Friday, April 3, 2009. Motion carried.

House adjourned at 2:27 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SEVENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
April 3, 2009

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Caferro. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker introduced and thanked the pages for the week.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

4/2/2009

HB 107, introduced by Hiner
HB 109, introduced by Hunter
HB 112, introduced by Sesso
HB 127, introduced by Sesso
HB 246, introduced by Boniek
HB 499, introduced by French
HB 533, introduced by Taylor

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

4/2/2009

HB 40, introduced by Cohenour
HB 374, introduced by Arntzen
HB 486, introduced by MacLaren
HB 531, introduced by Nooney
HB 534, introduced by Campbell
HB 536, introduced by Malek
HB 574, introduced by Vincent
HB 602, introduced by Cohenour
HB 608, introduced by Sesso

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments:

4/2/2009

HJR 9, introduced by Furey

HB 622 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 622**:

4/2/2009

Senator R. Brown, Chair
Senator Brenden
Senator Windy Boy

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MESSAGES FROM THE GOVERNOR

April 1, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Speaker Bergren:

Please be informed that I have signed the following bills:

April 1, 2009

House Bill 39 sponsored by Representative Cohenour,
House Bill 41 sponsored by Representative Cohenour,
House Bill 45 sponsored by Representative Ingraham,
House Bill 48 sponsored by Representative P. Beck,
House Bill 75 sponsored by Representative Van Dyk,
House Bill 78 sponsored by Representative Hendrick,
House Bill 80 sponsored by Representative Kottel,
House Bill 82 sponsored by Representative Driscoll,
House Bill 118 sponsored by Representative Klock,
House Bill 119 sponsored by Representative Hunter,
House Bill 129 sponsored by Representative Getz,
House Bill 137 sponsored by Representative McNutt,
House Bill 139 sponsored by Representative Vincent,
House Bill 140 sponsored by Representative Vincent,
House Bill 153 sponsored by Representative Hands,
House Bill 179 sponsored by Representative Villa,
House Bill 203 sponsored by Representative Miller et al.,
House Bill 204 sponsored by Representative Ebinger et al.,
House Bill 223 sponsored by Representative Cohenour et al.,
House Bill 230 sponsored by Representative McClafferty et al.,
House Bill 244 sponsored by Representative Ankney,
House Bill 270 sponsored by Representative Reinhart et al.,
House Bill 283 sponsored by Representative Himmelberger,
House Bill 288 sponsored by Representative Kerns et al.,
House Bill 294 sponsored by Representative MacLaren et al.,
House Bill 308 sponsored by Representative Augare et al.,
House Bill 363 sponsored by Representative Jones et al.,
House Bill 366 sponsored by Representative McGillvray et al.,
House Bill 383 sponsored by Representative Arntzen et al.,
House Bill 432 sponsored by Representative Mehlhoff et al.,
House Bill 545 sponsored by Representative Vincent et al.,
Senate Bill 47 sponsored by Representative Steinbeisser,
Senate Bill 49 sponsored by Representative Wanzenried,
Senate Bill 184 sponsored by Representative Balyeat et al.,
Senate Bill 216 sponsored by Representative Laslovich et al.,
Senate Bill 323 sponsored by Representative Erickson et al.

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Sincerely,

BRIAN SCHWEITZER
Governor

April 2, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Speaker Bergren:

Please be informed that I have signed the following bills:
House Bill 106 sponsored by Representative French,
House Bill 304 sponsored by Representative Sonju,
House Bill 311 sponsored by Representative Blasdel,
House Bill 324 sponsored by Representative Arntzen et al.
Senate Bill 141 sponsored by Representative J. Tropila,
Senate Bill 173 sponsored by Representative Murphy et al.,
Senate Bill 208 sponsored by Representative Lewis,
Senate Bill 409 sponsored by Representative Brueggeman.

April 2, 2009

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 36, introduced by Kottel, More, Reinhart, Reichner, Augare, referred to Business and Labor.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 19, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson,

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Wiseman, Mr. Speaker.
Total 96

Nays: None.
Total 0

Excused: Hiner.
Total 1

Absent or not voting: Roberts, Sesso, Van Dyk.
Total 3

HB 85, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 85

Nays: Bennett, Ingraham, Kerns, Mendenhall, Peterson, Randall, Regier, Reichner, Sales, Smith, Wagner.
Total 11

Excused: Hiner.
Total 1

Absent or not voting: Roberts, Sesso, Van Dyk.
Total 3

HB 95, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Morgan.
Total 1

Excused: Hiner.
Total 1

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Absent or not voting: Roberts, Sesso, Van Dyk.
Total 3

HB 147, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 81

Nays: Bean, Bennett, Boniek, Ingraham, Kasten, Kerns, Mendenhall, Miller, Morgan, Randall, Regier, Sales, Wagner, Warburton.
Total 14

Excused: Hiner.
Total 1

Absent or not voting: Campbell, Roberts, Sesso, Van Dyk.
Total 4

HB 177, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: None.
Total 0

Excused: Hiner.
Total 1

Absent or not voting: Sesso, Van Dyk.
Total 2

HB 222, as amended by the Senate, passed as follows:

Yeas: Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter,

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Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Steenson, Stoker, Taylor, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 83

Nays: Ankney, Arntzen, Bennett, Boniek, Himmelberger, Kerns, Mehlhoff, Nooney, Randall, Stahl, Vance, Wagner, Warburton, Mr. Speaker.
Total 14

Excused: Hiner.
Total 1

Absent or not voting: Sesso, Van Dyk.
Total 2

HB 322, as amended by the Governor, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Boniek, Kasten, Sales, Vance, Wagner.
Total 5

Excused: Hiner.
Total 1

Absent or not voting: Blasdel, Sesso, Van Dyk.
Total 3

HB 328, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: None.

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Total 0

Excused: Hiner.

Total 1

Absent or not voting: Sesso, Van Dyk.

Total 2

HB 332, as amended by the Governor, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: None.

Total 0

Excused: Hiner.

Total 1

Absent or not voting: Sesso, Van Dyk.

Total 2

HB 338 as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 92

Nays: Caferro, Dickenson, Miller, Pomnichowski, Wiseman.

Total 5

Excused: Hiner.

Total 1

Absent or not voting: Sesso, Van Dyk.

Total 2

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HB 343 as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 89

Nays: Becker, Caferro, Dickenson, MacDonald, Miller, Morgan, Pomnichowski, Wiseman.

Total 8

Excused: Hiner.

Total 1

Absent or not voting: Sesso, Van Dyk.

Total 2

HB 362, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Boniek, Howard, Kerns, Miller, More, Villa, Wagner.

Total 7

Excused: Hiner.

Total 1

Absent or not voting: Sesso, Stahl, Van Dyk.

Total 3

HB 412, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sonju, Stahl, Steenson, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn,

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Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 87

Nays: Bennett, Boniek, Hendrick, Kasten, Kerns, McGillvray, Peterson, Regier, Smith, Stoker.
Total 10

Excused: Hiner.
Total 1

Absent or not voting: Sesso, Van Dyk.
Total 2

HB 488, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Bean, Kasten, Wagner.
Total 3

Excused: Hiner.
Total 1

Absent or not voting: Sesso, Van Dyk.
Total 2

HB 517, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Howard, Mendenhall, More, Sales, Wagner.
Total 5

Excused: Hiner.
Total 1

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Absent or not voting: Sesso, Taylor, Van Dyk.
Total 3

HB 544, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: None.
Total 0

Excused: Hiner.
Total 1

Absent or not voting: Sales, Sesso, Van Dyk.
Total 3

HB 557, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Morgan, Pomnichowski.
Total 2

Excused: Hiner.
Total 1

Absent or not voting: Blasdel, Sesso, Van Dyk.
Total 3

HB 563, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger,

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Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: None.

Total 0

Excused: Hiner.

Total 1

Absent or not voting: Sesso, Van Dyk.

Total 2

HB 567, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Sales.

Total 1

Excused: Hiner.

Total 1

Absent or not voting: Sesso, Van Dyk.

Total 2

HB 588, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

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Nays: Berry.
Total 1

Excused: Hiner.
Total 1

Absent or not voting: Sesso, Van Dyk.
Total 2

HB 591, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sonju, Stahl, Steenson, Stoker, Taylor, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 71

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Himmelberger, Ingraham, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Miller, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Vance, Wagner.
Total 26

Excused: Hiner.
Total 1

Absent or not voting: Sesso, Van Dyk.
Total 2

HJR 4, as amended by the Senate, adopted as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 87

Nays: Arntzen, Becker, Dickenson, Henry, MacLaren, McClafferty, Morgan, P. Noonan, Peterson, Stoker.
Total 10

Excused: Hiner.
Total 1

Absent or not voting: Sesso, Van Dyk.
Total 2

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HJR 14, as amended by the Senate, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Campbell, Cohenour, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 82

Nays: Barrett, Becker, Boss Ribs, Caferro, Dickenson, Driscoll, Hamilton, Hands, Henry, MacDonald, Malek, Pease-Lopez, Pomnichowski, Sands.

Total 14

Excused: Hiner.

Total 1

Absent or not voting: Sesso, Steenson, Van Dyk.

Total 3

Rep. Phillips announced that the House Democrats will caucus for 15 minutes.

Rep. Mendenhall announced that the House Republicans will caucus for 15 minutes.

Mr. Speaker announced that the House will recess for 15 minutes, until 8:35 a.m.

The House came to order at 8:45 a.m.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollenbaugh in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 190 - Senate Amendments - Representative Van Dyk moved Senate amendments to **HB 190** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 93

Nays: Boniek, Brown, Hawk, Klock, Lake, Peterson.

Total 6

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Excused: None.
Total 0

Absent or not voting: Mr. Speaker.
Total 1

HB 218 - Senate Amendments - Representative Menahan moved Senate amendments to **HB 218** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.
Total 92

Nays: Boniek, Hands, Hendrick, Ingraham, Milburn, Smith, Taylor.
Total 7

Excused: None.
Total 0

Absent or not voting: Wilson.
Total 1

HB 228 - Senate Amendments - Representative Kerns moved Senate amendments to **HB 228** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Brown, Butcher, Campbell, Getz, Glaser, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 73

Nays: Augare, Barrett, Blewett, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, MacDonald, Malek, McAlpin, McClafferty, A. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Wiseman.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 409 - Senate Amendments - Representative Pomnichowski moved Senate amendments to **HB 409** be concurred

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in. Motion concurred as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Howard, Ingraham, Kasten, McGillvray, Regier, Stoker, Wagner, Warburton.

Total 8

Excused: None.

Total 0

Absent or not voting: Berry, Campbell, Miller, Peterson.

Total 4

HB 420 - Senate Amendments - Representative Reinhart moved Senate amendments to **HB 420** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Boniek, Hawk, Hendrick, Kasten, Lake, More, Peterson, Regier, Reichner, Sales, Smith, Taylor, Wagner.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 443 - Senate Amendments - Representative Menahan moved Senate amendments to **HB 443** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P.

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Total 88

Nays: Ankney, Boniek, Brown, Hendrick, Ingraham, Kasten, More, Peterson, Smith, Taylor, Wagner.

Total 11

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

HB 546 - Senate Amendments - Representative Pomnichowski moved Senate amendments to **HB 546** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jopek, Kerns, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 75

Nays: Ankney, Augare, Berry, Blasdel, Boniek, Brown, Hawk, Hendrick, Hollandsworth, Ingraham, Kasten, Klock, Lake, MacLaren, Milburn, Miller, More, Peterson, Smith, Stoker, Taylor, Wagner, Washburn, Welborn.

Total 24

Excused: None.

Total 0

Absent or not voting: Jones.

Total 1

HJR 31 - Representative McGillvray moved **HJR 31** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McGillvray, McNutt, Menahan, Mendenhall, Milburn, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Smith, Stahl, Stoker, Taylor, Wagner, Warburton.

Total 44

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hunter, Jopek, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Miller, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Sales, Sands, Sesso, Sonju, Steenson, Vance, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 53

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Excused: None.
Total 0

Absent or not voting: Pease-Lopez, Vincent, Welborn.
Total 3

SB 22 - Representative Cohenour moved **SB 22** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 75

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Hawk, Howard, Ingraham, Kasten, Kerns, Lake, Mendenhall, More, Morgan, Randall, Regier, Reichner, Sales, Vance, Wagner.
Total 20

Excused: None.
Total 0

Absent or not voting: B. Beck, Butcher, McGillvray, Sonju, Vincent.
Total 5

SB 226 - Representative Sands moved **SB 226** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 83

Nays: Bennett, Blasdel, Boniek, Brown, Hawk, Kerns, Mendenhall, Miller, Peterson, Roberts, Sales, Smith, Stahl, Vance, Warburton.
Total 15

Excused: None.
Total 0

Absent or not voting: Vincent, Wiseman.
Total 2

SB 231 - Representative MacLaren moved **SB 231** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel,

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Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Boniek, Mendenhall, More, Sales, Wagner.

Total 5

Excused: None.

Total 0

Absent or not voting: Glaser, Vincent, Welborn.

Total 3

SB 280 - Representative Hoven moved **SB 280** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Boniek.

Total 1

Excused: None.

Total 0

Absent or not voting: Miller, Vincent.

Total 2

SB 292 - Representative Randall moved **SB 292** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

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Nays: P. Beck, Caferro, Henry, Peterson.
Total 4

Excused: None.
Total 0

Absent or not voting: Miller, Vincent, Welborn.
Total 3

SB 353 - Representative McAlpin moved **SB 353** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Boniek, Taylor.
Total 2

Excused: None.
Total 0

Absent or not voting: Himmelberger, Vincent.
Total 2

SB 361 - Representative Miller moved **SB 361** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: McChesney, Vincent.

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Total 2

SB 426 - Representative Fleming moved **SB 426** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Bean, Boniek, Brown, Butcher, Howard, Kasten, Lake, Peterson, Stahl.

Total 9

Excused: None.

Total 0

Absent or not voting: McAlpin, Vincent.

Total 2

SB 430 - Representative Sonju introduced **SB 430**.

SB 430 - Representative Sonju moved **SB 430** be amended as follows:

1. Page 4, line 5.

Strike: "2009"

Insert: "2008"

Motion to amend, carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Boniek, Mendenhall.

Total 2

Excused: Hiner, Nooney, Sesso, Wilmer.

Total 4

Absent or not voting: Vincent.

Total 1

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SB 430 - Representative Sonju moved **SB 430** as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Boniek, Mendenhall, More.

Total 3

Excused: None.

Total 0

Absent or not voting: Miller, Vincent.

Total 2

SB 446 - Representative Sands moved **SB 446** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Arntzen, Bean, Bennett, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Reichner, Sales, Stahl, Vance, Wagner, Warburton, Washburn.

Total 27

Excused: None.

Total 0

Absent or not voting: Vincent.

Total 1

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham,

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Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: P. Beck, Bennett, Boniek, Hawk, Hendrick, Howard, Kasten, McGillvray, Mendenhall, Miller, More, Randall, Sales, Smith, Vance, Wagner, Warburton.

Total 17

Excused: Hiner, Nooney, Sesso, Wilmer.

Total 4

Absent or not voting: Villa, Vincent.

Total 2

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):

4/3/2009

SB 119, be concurred in. Report adopted.

SB 131, be amended as follows:

1. Title, page 1, line 10.

Following: "CRITERIA;"

Insert: "PROVIDING AN APPROPRIATION;"

2. Page 2.

Following: line 28

Insert: "NEW SECTION. Section 2. Appropriation. There is appropriated \$147,327 in fiscal year 2010 and \$140,527 in fiscal year 2011 from federal special revenue for the purpose of [this act] only. If the department does not receive federal funds for this purpose, the department shall proceed with the requirements of [this act] to the extent possible using existing resources."

And, as amended, be concurred in. Report adopted.

SB 234, be amended as follows:

1. Title, page 1, line 8.

Strike: "AND"

Insert: ", "

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

2. Page 11.

Following: line 9

Insert: "NEW SECTION. Section 10. Termination. [This act] terminates December 31, 2011."

And, as amended, be concurred in. Report adopted.

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SB 350, be concurred in. Report adopted.

MOTIONS

Rep. Campbell moved that the Speaker be authorized to appoint a conference committee on **HB 228** and request the senate to appoint a like committee.

The Speaker Appoints:

Rep. Kottel - Vice-chair

Rep. Menahan

Rep. Kerns

Rep. Berry

ANNOUNCEMENTS

Mr. Speaker reminded everyone to clean their desks because fo the memorial service on Sunday.

Staff and Legislator photos are outside House Chambers and are available to order.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Monday, April 6, 2009. Motion carried.

House adjourned at 10:06 a.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SEVENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
April 6, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Campbell. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Glaser, P. Noonan, Wilson. Quorum present.

Mr. Speaker introduced the pages for the week, John Bishop (Polson), Meghan Callahan (East Helena), Joe Dillon (Missoula), Megan Gorneau (Poplar), Christopher Jolley (Victor), Bridgett Lake (Ronan), Anders Landgren (Billings), Ross Melvin (Butte), Stevie Short (Emigrant).

Rep. Himmelberger thanked Rep. Sands, Sen. Brenden, the Choir and the legislative spouses and everyone else who participated during yesterday's memorial.

Rep. McGillvray rose on a point of personal privilege to apologize for storming out of the chamber after the his **HJR 31** failed, last Friday, April 4th.

MESSAGES FROM THE SENATE

House amendments to Senate bills concurred in:

4/3/2009

SB 57, introduced by Gillan
SB 58, introduced by Gillan
SB 95, introduced by Brueggeman
SB 123, introduced by Squires
SB 133, introduced by Kaufmann
SB 148, introduced by J. Peterson
SB 164, introduced by De. Barrett
SB 174, introduced by Perry
SB 202, introduced by Hinkle
SB 299, introduced by J. Tropila
SB 351, introduced by Essmann
SB 371, introduced by Perry
SB 399, introduced by Laslovich

House amendments to Senate bills not concurred in:

4/3/2009

SB 305, introduced by Tutvedt
SB 310, introduced by Shockley
SB 348, introduced by Essmann
SB 404, introduced by Brueggeman

SB 48 - The Senate failed to concur in House amendments to **SB 48**, authorized the President to appoint the following Free Conference Committee, and requested that the House appoint a like committee to confer on **SB 48**:

4/3/2009

Senator Essmann, Chair
Senator Gillan
Senator Tutvedt

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SB 108 - The Senate failed to concur in House amendments to **SB 108**, authorized the President to appoint the following FREE Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 108**:

4/3/2009

Senator McGee, Chair
Senator Zinke
Senator Jent

House bills concurred in and returned to the House:

4/3/2009

HB 373, introduced by Wilmer
HB 380, introduced by Stahl
HB 416, introduced by MacDonald
HB 475, introduced by Phillips
HB 635, introduced by McChesney

House joint resolution concurred in and returned to the House:

4/3/2009

HJR 15, introduced by Milburn

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

4/3/2009

HB 269, introduced by Mehlhoff
HB 318, introduced by Kottel
HB 384, introduced by Villa
HB 630, introduced by Sands

Conference Committee Report No.1 adopted:

4/3/2009

HB 23, introduced by Himmelberger

MESSAGES FROM THE GOVERNOR

April 3, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Bergren:

Please be informed that I have signed the following bills:

4/3/2009

House Bill 24 sponsored by Representative Boniek,
House Bill 67 sponsored by Representative Belcourt,
House Bill 72 sponsored by Representative Sands,
House Bill 93 sponsored by Representative Sands,

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House Bill 367 sponsored by Representative McGillvray et al.,
Senate Bill 20 sponsored by Representative Jent,
Senate Bill 82 sponsored by Representative Steinbeisser,
Senate Bill 197 sponsored by Representative Laslovich,
Senate Bill 319 sponsored by Representative Keane et al.,
Senate Bill 325 sponsored by Representative Perry,
Senate Bill 368 sponsored by Representative Erickson et al.,
Senate Bill 432 sponsored by Representative R. Brown et al.

Sincerely,

BRIAN SCHWEITZER
Governor

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 190, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Boniek, Klock, Randall.
Total 3

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

HB 218, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 89

Nays: Boniek, Hendrick, Ingraham, Kasten, Lake, Morgan, Randall, Smith, Warburton.

Total 9

Excused: Glaser.

Total 1

Absent or not voting: Welborn.

Total 1

HB 409, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Berry, Howard, Ingraham, Kasten, McGillvray, Mendenhall, Regier, Sales, Smith, Stoker, Vincent, Wagner.

Total 12

Excused: Glaser.

Total 1

Absent or not voting: None.

Total 0

HB 420, as amended by the Senate, passed as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 53

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 46

Excused: Glaser.

Total 1

Absent or not voting: None.

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Total 0

HB 443, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 73

Nays: Bean, B. Beck, Blasdel, Boniek, Brown, Butcher, Hendrick, Himmelberger, Hollandsworth, Ingraham, Kasten, Lake, Mendenhall, Milburn, Miller, More, Peterson, Randall, Reichner, Sales, Smith, Sonju, Taylor, Vincent, Wagner, Warburton.

Total 26

Excused: Glaser.

Total 1

Absent or not voting: None.

Total 0

HB 546, as amended by the Senate, passed as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 67

Nays: Ankney, Bean, Bennett, Berry, Blasdel, Brown, Hawk, Hendrick, Himmelberger, Hollandsworth, Ingraham, Jones, Kasten, Kerns, Lake, MacLaren, Mendenhall, Milburn, Miller, More, O'Hara, Peterson, Regier, Reichner, Sales, Smith, Sonju, Taylor, Vincent, Wagner, Washburn, Welborn.

Total 32

Excused: Glaser.

Total 1

Absent or not voting: None.

Total 0

SB 22 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff,

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Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 75

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Hawk, Ingraham, Jones, Kasten, Kerns, Lake, Mendenhall, More, Morgan, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Vance, Wagner.

Total 24

Excused: Glaser.

Total 1

Absent or not voting: None.

Total 0

SB 226 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Wagner, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 78

Nays: Bean, Bennett, Boniek, Brown, Butcher, Hawk, Kerns, Mendenhall, Milburn, Miller, Nooney, Peterson, Randall, Roberts, Sales, Smith, Taylor, Vance, Vincent, Warburton, Washburn.

Total 21

Excused: Glaser.

Total 1

Absent or not voting: None.

Total 0

SB 231 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: Blasdel, Boniek, Brown, Kasten, Mendenhall, More, Morgan, Randall, Sales, Sonju, Wagner, Welborn.

Total 12

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Excused: Glaser.
Total 1

Absent or not voting: Getz.
Total 1

SB 280 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Wagner.
Total 1

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

SB 292 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Caferro, Henry, Hollenbaugh.
Total 3

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

SB 353 concurred in as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Bean, Boniek, Butcher, Ingraham.
Total 4

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

SB 361 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

SB 426 concurred in as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 77

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Nays: Ankney, Bean, Blasdel, Boniek, Brown, Butcher, Himmelberger, Hollandsworth, Howard, Kasten, Kerns, Lake, Mendenhall, Miller, More, Morgan, Nooney, Peterson, Randall, Sales, Sonju, Wagner.

Total 22

Excused: Glaser.

Total 1

Absent or not voting: None.

Total 0

SB 430 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Boniek, Mendenhall, More, Wagner.

Total 4

Excused: Glaser.

Total 1

Absent or not voting: None.

Total 0

SB 446 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: Bean, Boniek, Brown, Butcher, Hawk, Hendrick, Hoven, Kasten, Kerns, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Sales, Wagner, Warburton.

Total 19

Excused: Glaser.

Total 1

Absent or not voting: None.

Total 0

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Rep. Mendenhall announced that the House Republicans will caucus for 10 minutes.
Rep. Phillips announced that the House Democrats will stand at ease.
Mr. Speaker announced that the House will recess for 10 minutes at 1:30 p.m.
The House came to order at 1:40 p.m.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Reinhart in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJR 31 - Moved to reconsider action taken on the 74th legislative day, April 4, 2009 and that **HJR 31** be placed on second reading on this the 76th legislative day. Motion requires simple majority vote. Motion carried as follows:

Yeas: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 50

Nays: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, A. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wiseman, Mr. Speaker.
Total 47

Excused: Glaser, P. Noonan, Wilson.
Total 3

Absent or not voting:
Total 0

Rep. Ankney rose on a point of order, to inform the body that his vote button did not work and that he would like to be recorded as a "NO".

SB 79 - Conference Committee Report No. 1 - Representative Sands moved the Conference Committee report to **SB 79** be adopted.

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 96

Nays: Morgan, Steenson.

Total 2

Excused: Glaser.

Total 1

Absent or not voting: McGillvray.

Total 1

HB 34 - Senate Amendments - Representative Wilmer moved Senate amendments to **HB 34** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: Glaser.

Total 1

Absent or not voting: Hiner.

Total 1

HB 40 - Senate Amendments - Representative Cohenour moved Senate amendments to **HB 40** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Boniek.

Total 1

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Excused: Glaser.
Total 1

Absent or not voting: Sales.
Total 1

HB 374 - Senate Amendments - Representative Arntzen moved Senate amendments to **HB 374** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Boniek, Brown, More.
Total 3

Excused: Glaser.
Total 1

Absent or not voting: Phillips, Sesso.
Total 2

HB 486 - Senate Amendments - Representative MacLaren moved Senate amendments to **HB 486** *not* be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Kasten, Mendenhall, Sales, Vance, Wagner.
Total 5

Excused: Glaser.
Total 1

Absent or not voting: Blewett.
Total 1

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HB 534 - Senate Amendments - Representative Campbell moved Senate amendments to **HB 534** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: Berry, Blasdel, Boniek, Brown, Hendrick, Howard, Ingraham, Kasten, Miller, More, Smith, Vincent, Wagner.
Total 13

Excused: Glaser.
Total 1

Absent or not voting: Arntzen, Jones.
Total 2

HB 536 - Senate Amendments - Representative Malek moved Senate amendments to **HB 536** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Miller, Wagner.
Total 2

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

HB 574 - Senate Amendments - Representative Vincent moved Senate amendments to **HB 574** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth,

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Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Wagner.

Total 1

Excused: Glaser.

Total 1

Absent or not voting: French.

Total 1

HB 602 - Senate Amendments - Representative Cohenour moved Senate amendments to **HB 602** *not* be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: Ankney, Blasdel, Boniek, Hawk, Hendrick, Kasten, Mendenhall, Miller, More, Randall, Regier, Sales, Smith, Sonju, Taylor, Vance, Wagner, Welborn.

Total 18

Excused: Glaser.

Total 1

Absent or not voting: None.

Total 0

HJR 9 - Senate Amendments - Representative Furey moved Senate amendments to **HJR 9** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 98

Nays: None.

Total 0

Excused: Glaser.

Total 1

Absent or not voting: Grinde.

Total 1

SB 65 - Representative McNutt moved **SB 65** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Boniek, Kerns, Randall, Sales, Sonju, Vance.

Total 6

Excused: Glaser.

Total 1

Absent or not voting: Himmelberger, Jones, Sesso.

Total 3

SB 86 - Representative Blasdel moved **SB 86** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Stoker.

Total 1

Excused: Glaser.

Total 1

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Absent or not voting: Boniek, Grinde.
Total 2

SB 263 - Representative Menahan moved **SB 263** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Caferro, Hunter, Miller.
Total 3

Excused: Glaser.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Reinhart moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wiseman, Mr. Speaker.
Total 86

Nays: P. Beck, Boniek, Mendenhall, Miller, Sales, Vance, Vincent, Welborn.
Total 8

Excused: Glaser, P. Noonan, Wilson.
Total 3

Absent or not voting: Himmelberger, Hiner, Howard.
Total 3

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REPORTS OF SELECT COMMITTEES

**FREE CONFERENCE COMMITTEE
on House Bill 622**

Report No. 0, April 6, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 622** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 622** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.

Following: "CHARITY"

Insert: "OR DEPOSITED TO A NEW CONSTITUENT SERVICES ACCOUNT"

2. Page 2, line 9.

Following: "2009"

Insert: ", or deposit the money by July 1, 2009, into a constituent services account established after May 14, 2007, and shall close the old account"

3. Page 2, line 11.

Strike: "DONATED pursuant"

Insert: "subject"

For the House:

Dickenson, Chairman
MacLaren
Himmelberger
Sands

For the Senate

R. Brown, Chairman
Brenden
Windy Boy

MOTIONS

Rep. Campbell moved that **SB 263** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that the Conference Committee on **SB 108** be dissolved and that the Speaker be Authorized to appoint a FREE Conference Committee on **SB 108**.

The Speaker appoints:

Rep. Menahan, Vice Chair
Rep. Kottel
Rep. Stoker
Rep. Kerns

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **HB 602** and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. Cohenour, Vice Chair
Rep. French

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Rep. Brown
Rep. Washburn

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **SB 348** and request the Senate to appoint a like committee.

The Speaker Appoints:
Rep. Wilmer, Vice Chair
Rep. Malek
Rep. Himmelberger
Rep. Mendenhall

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **SB 404** and request the Senate to appoint a like committee.

The Speaker Appoints:
Rep. Van Dyk, Vice Chair
Rep. Cohenour
Rep. Hendrick
Rep. Milburn

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **HB 486** and request the Senate to appoint a like committee.

The Speaker Appoints:
Rep. Reinhart, Vice Chair
Rep. Ebinger
Rep. Maclaren
Rep. Vance

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **SB 305** and request the Senate to appoint a like committee.

The Speaker Appoints:
Rep. Reinhart, Vice Chair
Rep. Ebinger
Rep. Berry
Rep. Stahl

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **SB 310** and request the Senate to appoint a like committee.

The Speaker Appoints:
Rep. Reinhart, Vice Chair
Rep. Sands
Rep. Ingraham
Rep. Reichner

MESSAGES FROM THE GOVERNOR

April 3, 2009

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The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 418, "AN ACT AUTHORIZING INVESTOR-OWNED EQUINE SLAUGHTER OR PROCESSING FACILITIES; PROHIBITING A COURT FROM GRANTING AN INJUNCTION TO STOP OR DELAY THE CONSTRUCTION OF AN EQUINE SLAUGHTER OR PROCESSING FACILITY BASED ON LEGAL CHALLENGES OR APPEALS OF A PERMIT, LICENSE, CERTIFICATE, OR OTHER APPROVAL ISSUED IN CONJUNCTION WITH ENVIRONMENTAL LAWS; SETTING BONDING REQUIREMENTS; AND AMENDING SECTIONS 75-1-201, 75-2-104, 75-5-614, 75-5-621, 75-5-641, 81-9-111, 81-9-112, 81-9-115, 81-9-116, 81-9-201, 81-9-229, AND 81-9-230, MCA" for the following reasons.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 418

2. Title, line 8.

Strike: "INVESTOR-OWNED"

3. Title, lines 9 through 12.

Following: "FACILITIES;" on line 9

Strike: remainder of line 9 through "REQUIREMENTS;" on line 12

4. Title, line 13.

Strike: "75-1-201, 75-2-104, 75-5-614, 75-5-621, 75-5-641,"

5. Page 1, line 18 through page 9, line 15.

Strike: sections 1 through 7 in their entirety

Renumber: subsequent sections

6. Page 11, line 21.

Strike: "Investor-owned equine"

Insert: "Equine"

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7. Page 12, line 21 through line 23.
Strike: section 15 in its entirety

- END -

April 3, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 55, **"AN ACT REQUIRING THE YOUTH COURT TO IMPOSE RESTRICTIONS ON A DELINQUENT YOUTH'S RESIDENCY IF THE YOUTH HAS BEEN ADJUDICATED FOR A SEXUAL OFFENSE AND HAS BEEN DETERMINED TO BE A LEVEL 3 SEXUAL OFFENDER; REQUIRING NOTIFICATION TO SCHOOL DISTRICTS; AMENDING SECTION 41-5-1513, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE"** for the following reasons.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 55

8. Title, line 7.
Strike: "SECTION"
Insert: "SECTIONS 41-5-215 AND"

9. Page 1.
Following: line 11
Insert: "Section 1. Section 41-5-215, MCA, is amended to read:

"41-5-215. Youth court and department records -- notification of school. (1) Formal youth court records, including reports of preliminary inquiries, petitions, motions, other filed pleadings, court findings, verdicts, and orders and decrees on file with the clerk of court are public records and are open to public inspection until the records are sealed under 41-5-216.

(2) Social, medical, and psychological records, youth assessment materials, predispositional studies, and

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supervision records of probationers are open only to the following:

- (a) the youth court and its professional staff;
- (b) representatives of any agency providing supervision and having legal custody of a youth;
- (c) any other person, by order of the court, having a legitimate interest in the case or in the work of the court;
- (d) any court and its probation and other professional staff or the attorney for a convicted party who had been a party to proceedings in the youth court when considering the sentence to be imposed upon the party;
- (e) the county attorney;
- (f) the youth who is the subject of the report or record, after emancipation or reaching the age of majority;
- (g) a member of a county interdisciplinary child information team formed under 52-2-211 who is not listed in this subsection (2);
- (h) members of a local interagency staffing group provided for in 52-2-203;
- (i) persons allowed access to the reports referred to under 45-5-624(7); and
- (j) persons allowed access under 42-3-203.

(3) (a) Notwithstanding the requirements of 20-5-321(1)(d) or (1)(e) and subject to the provisions of subsection (3)(b) of this section, the youth court shall notify the school district that the youth presently attends or the school district that the youth has applied to attend of a youth's suspected drug use or criminal activity if after an investigation has been completed:

- (i) the youth has admitted the allegation or a petition has been filed with the youth court; and
- (ii) a juvenile probation officer has reason to believe that a youth is currently involved with drug use or other criminal activity that has a bearing on the safety of children.

(b) Notification under subsection (3)(a) may not be given for status offenses.

(c) In addition to the notice requirements in subsection (3)(a), the youth court shall provide notice to the superintendent of a school district for a level 3 sexual offender as provided in 41-5-1513(3).

~~(c)(d)~~ A school district may not refuse to accept the student if refusal violates the federal Individuals With Disabilities Education Act or the federal Americans With Disabilities Act of 1990.

~~(d)(e)~~ The administrative officials of the school district may enforce school disciplinary procedures that existed at the time of the admission or adjudication. The information may not be further disclosed and may not be made part of the student's permanent records.

(4) In all cases, a victim is entitled to all information concerning the identity and disposition of the youth, as provided in 41-5-1416.

(5) The school district may disclose, without consent, personally identifiable information from an education record of a pupil to the youth court and law enforcement authorities pertaining to violations of the Montana Youth Court Act or criminal laws by the pupil. The youth court or law enforcement authorities receiving the information shall certify in writing to the school district that the information will not be disclosed to any other party except as provided under state law without the prior consent of the parent or guardian of the pupil.

(6) Any part of records information secured from records listed in subsection (2), when presented to and used by the court in a proceeding under this chapter, must also be made available to the counsel for the parties to the proceedings."

{Internal References to 41-5-215:

41-5-216x 41-5-216x 41-5-216x 41-5-221x

42-3-203x 52-2-211x }"

Renumber: subsequent sections

- END -

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Tuesday, April 7, 2009. Motion carried.

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House adjourned at 2:28 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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61ST LEGISLATURE
SEVENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
April 7, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Bob Lake's Granddaughter who sang a song. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives P. Noonan, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman): 4/7/2009
SB 511, be concurred in. Report adopted.
HJR 36, be concurred in. Report adopted.

NATURAL RESOURCES (Milburn, Chairman): 4/7/2009
SB 303, be concurred in. Report adopted.
SJR 28, be concurred in. Report adopted.

TAXATION (Lake, Chairman): 4/7/2009
SB 491, be amended as follows:

1. Page 1, line 18.

Strike: "made"

Insert: "makes"

2. Page 1, line 20.

Strike: "amount"

Insert: "contribution"

Strike: "(4)(d)"

Insert: "(4)(c)"

3. Page 3, line 9.

Strike: "amount"

Insert: "contribution"

4. Page 3, line 10.

Strike: "(4)(d)"

Insert: "(4)(c)"

5. Page 3, line 13.

Strike: "made"

Insert: "makes"

Strike: ", 1999"

Insert: "of each fiscal year"

6. Page 3, line 17.

Strike: "made"

Insert: "makes"

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7. Page 3, line 18.

Strike: "in that year"

Insert: "on July 1 of each fiscal year"

8. Page 3, line 20.

Strike: "amount"

Insert: "contribution"

9. Page 3, line 24 through line 26.

Strike: subsection (d) in its entirety

10. Page 6, line 3.

Strike: "amount"

Insert: "contribution"

And, as amended, be concurred in. Report adopted.

TRANSPORTATION (Sonju, Chairman):

4/7/2009

SB 508, be amended as follows:

1. Title, page 1, line 21.

Strike: "AND AUTHORIZED USER"

2. Page 3, line 22.

Following: "SYSTEM"

Insert: "at the time the system is accessed under subsection (1) of this section"

3. Page 3, line 30.

Following: "under"

Insert: "61-3-321(7)(b)(ii) and (12),"

Following: "61-3-333"

Strike: "or"

Insert: ", "

Following: "61-3-465(1)(b)(i)"

Insert: ", 61-3-480(2)(c)(i), or 61-3-562(1)(a)(ii)"

4. Page 9, line 30.

Following: "~~and (3)(c)~~"

Insert: "(3)(c) and"

5. Page 14, line 2.

Following: "i"

Insert: "and"

6. Page 14, line 5 through line 7.

Strike: "; and" on line 5 through "61-3-332" on line 7

7. Page 32, line 28.

Following: line 27

Insert: "COORDINATION SECTION. **Section 28. Coordination instruction.** If both House Bill No. 615 and

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[this act] are passed and approved, then House Bill No. 615 is void."

Renumber: subsequent sections

8. Page 33, line 1.

Strike: "24"

Insert: "25"

9. Page 33, line 2.

Following: "15,"

Strike: "and"

Following: "17"

Insert: ", and 19"

And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 228**
Report No. 0, April 7, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 228** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 228** (reference copy -- salmon) be amended as follows:

1. Title, line 9.

Strike: "45-8-328,"

2. Page 8, line 24 through page 9, line 10.

Strike: section 8 in its entirety

Renumber: subsequent sections

3. Page 10, line 8.

Strike: "10"

Insert: "9"

4. Page 10, line 9.

Strike: "10"

Insert: "9"

For the Senate:

McGee, Chairman
Shockley
Jent

For the House:

Menahan, Chairman
Kottel
Kerns
Berry

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CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 73**
Report No. 0, April 6, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 73** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 73** (reference copy -- salmon) be accepted by the Senate.

For the Senate:

Hawks, Chairman
Hinkle
Zinke

For the House:

Pomnichowski, Chairman
Ebinger
Sonju
Vance

FREE CONFERENCE COMMITTEE
on **Senate Bill 108**
Report No. 0, April 7, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 108** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 108** (reference copy -- salmon) be amended as follows:

1. Title, page 1, lines 7 and 8.

Following: "PROCEEDINGS" on line 7

Strike: "EXCEPT IN CERTAIN CIRCUMSTANCES"

2. Title, page 1, lines 12 and 13.

Following: "PLANS" on line 12

Strike: "EXCEPT IN CERTAIN CIRCUMSTANCES"

3. Page 2, lines 18 and 19.

Following: "SERVICE" on line 18

Strike: "unless" on line 18 through "dishonorable" on line 19

4. Page 5, lines 11 and 12.

Following: "child" on line 11

Strike: "unless" on line 11 through "dishonorable" on line 12

5. Page 7, lines 25 and 26.

Following: "SERVICE" on line 25

Strike: "unless" on line 25 through "dishonorable" on line 26

For the Senate:

For the House:

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McGee, Chairman
Jent
Zinke

Menahan, Chairman
Stoker
Kottel
Kerns

MESSAGES FROM THE SENATE

Senate joint resolutions passed and transmitted to the House for concurrence: 4/6/2009

SJR 30, introduced by Zinke
SJR 31, introduced by Windy Boy
SJR 32, introduced by Windy Boy

House amendments to Senate bills concurred in: 4/6/2009

SB 26, introduced by Murphy
SB 96, introduced by Jent
SB 104, introduced by Esp
SB 113, introduced by Keane
SB 158, introduced by Brueggeman
SB 171, introduced by Barkus
SB 247, introduced by Black
SB 269, introduced by R. Brown
SB 330, introduced by Moss
SB 396, introduced by Story
SB 449, introduced by Keane

House amendments to Senate joint resolutions concurred in: 4/6/2009

SJR 9, introduced by Gallus
SJR 15, introduced by Tutvedt

House amendments to Senate bills *not* concurred in: 4/6/2009

SB 306, introduced by Esp
SB 457, introduced by Branae

SB 305 - The Senate failed to concur in House amendments to **SB 305**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 305**:

4/6/2009

Senator Tutvedt, Chair
Senator Esp
Senator Laslovich

SB 310 - The Senate failed to concur in House amendments to **SB 310**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 310**:

4/6/2009

Senator Shockley, Chair

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Senator Tutvedt
Senator Laslovich

SB 404 - The Senate failed to concur in House amendments to **SB 404**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 404**:

4/6/2009

Senator Brueggeman, Chair
Senator Barkus
Senator Jent

SB 348 - The Senate failed to concur in House amendments to **SB 348**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 348**:

4/6/2009

Senator Essmann, Chair
Senator Williams
Senator Black

House bill concurred in and returned to the House:

4/6/2009

HB 480, introduced by Pomnichowski

HB 228 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 228**:

4/6/2009

Senator McGee, Chair
Senator Shockley
Senator Jent

Conference Committee Report No.1 adopted:

4/6/2009

HB 23, introduced by Himmelberger

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 30, introduced by Zinke, referred to State Administration.

SJR 31, introduced by Windy Boy, J. Tropila, Squires, Campbell, McAlpin, Boss Ribs, Belcourt, Hunter, Henry, Caferro, Augare, Hamilton, referred to Human Services.

SJR 32, introduced by Windy Boy, Lewis, J. Tropila, Squires, Campbell, Boss Ribs, Henry, Hamilton, Caferro, Belcourt, Hunter, McAlpin, Augare, Jones, referred to Human Services.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 34, as amended by the Senate, passed as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 40, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Boniek, Kerns, Mendenhall.

Total 3

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

HB 374, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk,

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Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 87

Nays: Blasdel, Boniek, Brown, Kerns, McGillvray, Miller, More, Randall, Sales, Smith, Vincent, Wagner, Warburton.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 534, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 81

Nays: Bean, Bennett, Berry, Boniek, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, Randall, Sales, Smith, Vincent.
Total 17

Excused: None.
Total 0

Absent or not voting: Hoven, Stahl.
Total 2

HB 536, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Boniek, Jones, Kerns, Miller, Wagner, Warburton.
Total 6

Excused: None.
Total 0

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Absent or not voting: Blasdel.
Total 1

HB 574, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Wagner.
Total 1

Excused: None.
Total 0

Absent or not voting: McGillvray.
Total 1

HJR 9, as amended by the Senate, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: Boniek.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 65 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming,

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French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Blasdel, Kerns, Mendenhall, Randall, Sales, Sonju, Vance, Wagner, Welborn.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 79, Conference Committee report, concurred as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 97

Nays: Pomnichowski, Steenson, Mr. Speaker.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 86, as amended by the House, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

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Nays: Boniek, Stoker.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bean in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 55 - Governor's Amendments - Representative Hawk moved Governor's amendments to **HB 55** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 93

Nays: Boniek, Kerns, Lake, Randall, Sales, Wagner, Wiseman.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 318 - Senate Amendments - Representative Kottel moved Senate amendments to **HB 318** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa,

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Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Boniek, Hendrick, Ingraham, Kasten, Kerns, Miller, Wagner, Welborn.
Total 8

Excused: None.
Total 0

Absent or not voting: Belcourt.
Total 1

HB 384 - Senate Amendments - Representative Villa moved Senate amendments to **HB 384** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 83

Nays: Boniek, Boss Ribs, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, MacDonald, Miller, More, Randall, Sales, Smith, Vincent, Wagner, Warburton.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 628 - Senate Amendments - Representative Stoker moved Senate amendments to **HB 628** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 99

Nays: Wiseman.
Total 1

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 630 - Senate Amendments - Representative Sands moved Senate amendments to **HB 360** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 97

Nays: More, Sales, Wagner.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 34 - Representative McAlpin moved **HJR 34** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 88

Nays: Bean, Boniek, Brown, Hawk, Lake, Mendenhall, Miller, Randall, Regier, Sales, Vance.
Total 11

Excused: None.
Total 0

Absent or not voting: Kerns.
Total 1

HJR 35 - Representative Himmelberger moved **HJR 35** be adopted. Motion carried as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Kerns.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 119 - Representative Morgan moved **SB 119** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Kerns, Mendenhall.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 198 - Representative Lake moved **SB 198** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor,

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Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 97

Nays: Pomnichowski, Wiseman.
Total 2

Excused: None.
Total 0

Absent or not voting: Blewett.
Total 1

SB 350 - Representative Roberts moved **SB 350** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 74

Nays: Bean, B. Beck, Becker, Bennett, Blasdel, Boniek, Brown, Hawk, Ingraham, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Randall, Regier, Reichner, Sales, Smith, Sonju, Vance, Wagner, Warburton, Washburn, Wiseman.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 31 - Representative McGillvray introduced **HJR 31**.

Rep. Wiseman protested the ruling of the chair

Chair Bean announced that the House will take a short recess.

The House came to order at 2:07 p.m.

Rep. Phillips announced that the House Democrats will caucus for 15 minutes.

The House came to order at 2:20 p.m.

Motion by Rep. Wiseman to protest the ruling of the chair requires a simple majority vote. Motion **failed** as follows:

Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 49

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour,

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Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 48

Excused: P. Noonan.

Total 1

Absent or not voting: Stahl, Steenson.

Total 2

HJR 31 - Representative McGillvray moved **HJR 31** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 52

Nays: Augare, Barrett, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 47

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bean moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Campbell, Cohenour, Dickenson, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 80

Nays: Becker, Belcourt, Caferro, Driscoll, French, Hands, Himmelberger, Jopek, McClafferty, Miller, Reinhart, Sands, Sesso, Steenson, Villa, Wilmer, Wilson, Wiseman.

Total 18

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Excused: P. Noonan.
Total 1

Absent or not voting: Boss Ribs.
Total 1

MESSAGES FROM THE SENATE

SB 427 - The Senate failed to concur in House amendments to **SB 427**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 427**:
4/7/2009

Senator Laslovich, Chair
Senator McGee
Senator Story

MOTIONS

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **SB 306** and request the Senate to appoint a like committee.

The Speaker Appoints:
Rep. Hands, Vice Chair
Rep. Driscoll
Rep. Vance
Rep. Bennett

Rep. Campbell moved that the Speaker be authorized to appoint a **FREE** Conference Committee on **SB 427** and request the Senate to appoint a like committee.

The Senate Appoints:
Sen. Laslovich, Chair
Sen. McGee
Sen. Story

The Speaker Appoints:
Rep. A. Noonan, Vice Chair
Rep. Belcourt
Rep. Vincent
Rep. Milburn

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **SB 457** and request the Senate to appoint a like committee.

The Speaker Appoints:
Rep. MacDonald, Vice Chair
Rep. Ebinger
Rep. Vance
Rep. Berry

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Wednesday, April 8, 2009. Motion carried.

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House adjourned at 2:44 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SEVENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
April 8, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Furey. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on **Senate Bill 48**
Report No. 1, April 7, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 48** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 48** (reference copy -- salmon) be accepted by the Senate.

For the Senate:

Essmann, Chairman
Tutvedt
Gillan

For the House:

Pomnichowski, Chairman
Lake
Blasdel
Wiseman

FREE CONFERENCE COMMITTEE
on **Senate Bill 427**
Report No. 1, April 8, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 427** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 427** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.

Strike: "PROVISIONS"

Insert: "A PROVISION"

Strike: "EVIDENCE AND"

2. Page 1, line 13.

Strike: "6"

Insert: "5"

3. Page 1, line 15.

Strike: "6"

Insert: "5"

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4. Page 1, line 18.

Strike: "6"

Insert: "5"

5. Page 2, line 14.

Strike: "6"

Insert: "5"

6. Page 2, line 28 through page 3, line 5.

Strike: section 5 in its entirety

Renumber: subsequent sections

7. Page 3, line 18.

Strike: "6"

Insert: "5"

8. Page 3, line 20.

Strike: "6"

Insert: "5"

For the Senate:

Laslovich, Chairman
Story
McGee

For the House:

A. Noonan, Chairman
Belcourt
Vincent
Milburn

MESSAGES FROM THE SENATE

House amendments to Senate bills concurred in:

4/7/2009

SB 8, introduced by Hansen

SB 32, introduced by Barkus

SB 281, introduced by Shockley

SB 286, introduced by T. Brown

SB 349, introduced by Tutvedt

SB 442, introduced by Laslovich

SB 306 - The Senate failed to concur in House amendments to **SB 306**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 306**:

4/7/2009

Senator Esp, Chair
Senator Barkus
Senator Erickson

SB 457 - The Senate failed to concur in House amendments to **SB 457**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 457**:

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4/7/2009

Senator Esp, Chair
Senator Branae
Senator Black

SB 427 - The Senate failed to concur in House amendments to **SB 427**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 427**:

4/7/2009

Senator Laslovich, Chair
Senator McGee
Senator Story

House bill concurred in and returned to the House:

4/7/2009

HB 653, introduced by Pomnichowski

House joint resolution concurred in and returned to the House:

4/7/2009

HJR 30, introduced by Himmelberger

HB 486 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 486**:

4/8/2009

Senator Gillan, Chair
Senator Esp
Senator Tutvedt

HB 602 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 602**:

4/7/2009

Senator Shockley, Chair
Senator Brenden
Senator J. Tropila

Free Conference Committee Report No.1 adopted:

4/7/2009

SB 79, introduced by Juneau

Governor's amendments to **Senate bill** concurred in and returned to the House:

4/7/2009

SB 18, introduced by Wanzenried

MESSAGES FROM THE GOVERNOR

April 1, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol

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Helena, Montana 59620

Dear Representative Bergren:

As a matter of clarification and correction, please note **House Bill 283** sponsored by Representative Himmelberger was signed on April 1, 2009. It was delivered to the Office of the Secretary of State.

Sincerely,

BRIAN SCHWEITZER
Governor

April 6, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Bergren:

Please be informed that I have signed the following bills:

04/06/2009

House Bill 21 sponsored by Representative Dickenson,
House Bill 54 sponsored by Representative Ingraham,
House Bill 58 sponsored by Representative Ingraham,
House Bill 146 sponsored by Representative MacLaren,
House Bill 155 sponsored by Representative Pomnichowski,
House Bill 193 sponsored by Representative Augare et al.,
House Bill 214 sponsored by Representative MacDonald et al.,
House Bill 307 sponsored by Representative Roberts,
House Bill 372 sponsored by Representative Wilmer et al.,
House Bill 387 sponsored by Representative Reichner,
House Bill 621 sponsored by Representative Wilson,
House Bill 623 sponsored by Representative Milburn,
Senate Bill 74 sponsored by Representative Laible,
Senate Bill 111 sponsored by Representative Ripley,
Senate Bill 143 sponsored by Representative Laible,
Senate Bill 185 sponsored by Representative Balyeat et al.,
Senate Bill 188 sponsored by Representative Balyeat et al.,
Senate Bill 209 sponsored by Representative Laslovich,
Senate Bill 250 sponsored by Representative Wanzenried,
Senate Bill 273 sponsored by Representative Laslovich,
Senate Bill 340 sponsored by Representative Laslovich,
Senate Bill 341 sponsored by Representative Laslovich,
Senate Bill 395 sponsored by Representative Gebhardt.

Sincerely,

BRIAN SCHWEITZER

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Governor

Rep. Phillips announced that the House Democrats will caucus.

Rep. Mendenhall announced that the House Republicans will stand at ease until 1:20 p.m.

The House recessed at 1:09 p.m.

The House came to order at 1:38 p.m.

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 37, introduced by Arntzen, referred to Taxation.

HJR 38, introduced by Ingraham, referred to Local Government.

The following House resolution was introduced, read first time, and referred to committee:

HR 3, introduced by More, referred to Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Barrett in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 418 - Governor's Amendments - Representative Butcher moved Governor's amendments to **HB 418** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 59

Nays: Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 41

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 228 - Conference Committee Report No. 1 - Representative Kerns moved the Conference Committee report to **HB 228** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Campbell, Cohenour, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 80

Nays: Barrett, Boss Ribs, Caferro, Dickenson, Driscoll, Hamilton, Hands, Henry, Hollenbaugh, MacDonald, Malek, McClafferty, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Villa, Wilmer, Wilson, Wiseman.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 622 - Conference Committee Report No. 1 - Representative Himmelberger moved the Conference Committee report to **HB 622** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.
Total 97

Nays: Morgan, Villa, Mr. Speaker.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 73 - Conference Committee Report No. 1 - Representative Pomnichowski moved the Conference Committee report to **SB 73** be adopted. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kerns,

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Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman.

Total 79

Nays: Ankney, Bean, Berry, Blasdel, Hawk, Hendrick, Hollandsworth, Jopek, Kasten, Lake, Miller, More, Peterson, Regier, Smith, Stoker, Wagner, Warburton, Welborn, Mr. Speaker.

Total 20

Excused: None.

Total 0

Absent or not voting: Campbell.

Total 1

SB 108 - Conference Committee Report No. 1 - Representative Menahan moved the Conference Committee report to **SB 108** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 99

Nays: Wilson.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 269 - Senate Amendments - Representative Mehlhoff moved Senate amendments to **HB 269** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

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Nays: Bean, B. Beck, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Lake, Mendenhall, Miller, Peterson, Randall, Reichner, Sales, Smith, Sonju, Stoker, Wagner.

Total 18

Excused: None.

Total 0

Absent or not voting: Milburn.

Total 1

HB 449 - Senate Amendments - Representative McChesney moved Senate amendments to **HB 449** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Boniek, Kasten, Kerns, Mendenhall, Miller, More, Villa.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 531 - Senate Amendments - Representative Nooney moved Senate amendments to **HB 531** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Becker, Belcourt, Bennett, Blasdel, Boniek, Brown, Butcher, Caferro, Campbell, Glaser, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 58

Nays: Barrett, P. Beck, Berry, Blewett, Boland, Boss Ribs, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Henry, Hunter, Jopek, MacDonald, MacLaren, Malek, McAlpin, McClafferty, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman.

Total 42

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 608 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 608** be concurred in.
Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 85

Nays: Bean, Berry, Boniek, Butcher, Hawk, Kerns, Lake, Miller, Peterson, Regier, Reichner, Smith, Stoker, Vance.
Total 14

Excused: None.
Total 0

Absent or not voting: Boss Ribs.
Total 1

SB 131 - Representative Steenson introduced **SB 131**.
SB 131 - Representative Steenson moved **SB 131** be amended as follows:

1. Page 3, line 1.
Following: "APPROPRIATED"
Insert: "to the department of natural resources and conservation"

Motion to amend, carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 89

Nays: Bean, Butcher, Lake, McGillvray, Randall, Sales, Smith, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: Jones, McChesney, Welborn.

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Total 3

SB 131 - Representative Steenson moved **SB 131** as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 70

Nays: Arntzen, Bean, B. Beck, Blasdel, Boniek, Butcher, Hendrick, Hoven, Ingraham, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton.
Total 29

Excused: None.
Total 0

Absent or not voting: Nooney.
Total 1

SB 176 - Representative Reichner moved **SB 176** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Wilmer, Wilson.
Total 75

Nays: Bean, Becker, Berry, Brown, Hamilton, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Randall, Regier, Sales, Vincent, Wagner, Warburton, Welborn, Wiseman, Mr. Speaker.
Total 24

Excused: None.
Total 0

Absent or not voting: Belcourt.
Total 1

SB 234 - Representative Van Dyk introduced **SB 234**.

SB 234 - Representative Sonju moved **SB 234** be amended as follows:

1. Title, line 8.
Following: "AND"
Strike: " ^ "
Insert: "AND"

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Following: "APPLICABILITY DATE"

Strike: ", AND A TERMINATION DATE"

2. Page 11, line 11.

Strike: section 10 in its entirety

Motion to amend, carried as follows:

Yeas: Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Vance, Van Dyk, Villa, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 58

Nays: Ankney, Arntzen, Bean, Bennett, Berry, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Roberts, Sales, Smith, Stahl, Stoker, Taylor, Wagner, Warburton, Washburn, Welborn.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 234 - Representative Villa moved for cloture. Motion carried unanimously.

SB 234 - Representative Van Dyk moved **SB 234** as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: B. Beck, Bennett, Boniek, Brown, Hawk, Hendrick, Himmelberger, Ingraham, Jones, Kasten, Kerns, Lake, Mendenhall, Milburn, Miller, More, Randall, Regier, Sales, Smith, Stoker, Vance, Wagner.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Di. Barrett moved the Committee of the Whole report be adopted. Report

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adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Boniek, Hawk, Himmelberger, Kasten, Lake, Mendenhall, Miller, Sales, Welborn.

Total 9

Excused: None.

Total 0

Absent or not voting: B. Beck, Jones, McClafferty.

Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 55, as amended by the Governor, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 96

Nays: Caferro, Kerns, Lake, Wiseman.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 318, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs,

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Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 83

Nays: B. Beck, Bennett, Blasdel, Boniek, Hendrick, Ingraham, Kasten, Kerns, Mendenhall, Miller, Randall, Sales, Smith, Sonju, Vincent, Wagner, Welborn.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 384, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 75

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, MacDonald, Mendenhall, Miller, More, Randall, Regier, Sales, Smith, Sonju, Vincent, Wagner, Welborn.

Total 24

Excused: None.

Total 0

Absent or not voting: Milburn.

Total 1

HB 628, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

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Total 99

Nays: Wiseman.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 630, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Boniek, Mendenhall, More, Sales, Wagner.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 31 passed as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Bennett, Berry, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 51

Nays: Augare, Barrett, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hunter, Jopek, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 48

Excused: None.

Total 0

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Absent or not voting: Blasdel.
Total 1

HJR 34 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 81

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Hawk, Hendrick, Howard, Jones, Kasten, Kerns, Lake, Mendenhall, Miller, Peterson, Randall, Regier, Sales, Vance.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 35 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: Kerns.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 119 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming,

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French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Boniek, Kerns, Sales, Sonju, Wagner.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 198 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 98

Nays: Caferro, Wiseman.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 350 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 76

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Nays: Bean, B. Beck, Bennett, Blasdel, Brown, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, Mendenhall, Miller, More, Randall, Reichner, Sales, Smith, Sonju, Vance, Vincent, Wagner, Washburn, Wiseman.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Rep. Himmelberger moved that **SB 394** be taken from committee and be placed on 2nd reading on the 78th legislative day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Driscoll, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Sands, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 58

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Hands, Henry, Hiner, Hollenbaugh, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 42

Excused: None.
Total 0

Absent or not voting:
Total 0

Rep. Reichner moved that his vote on **SB 394** be counted as a '**YES**' vote, because his vote button did not work. Motion carried.

Rep. Campbell moved that the Conference Committee on **SB 348** be dissolved and that the Speaker be authorized to appoint FREE Conference Committee on **SB 348**.

The Speaker appoints:
Rep. Wilmer, Vice Chair
Rep. Malek,
Rep. Himmelberger,
Rep. Mendenhall

REPORTS OF STANDING COMMITTEES

TAXATION (Lake, Chairman):
HJR 32, introduced joint resolution, be amended as follows:

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1. Page 1, line 29.

Following: "Office"

Insert: ", the Montana Heritage Preservation and Development Commission,"

2. Page 2, line 23.

Strike: "preservation projects"

Insert: "state agencies engaged in preservation heritage tourism"

And, as amended, be adopted. Report adopted.

SB 260, be amended as follows:

1. Page 11, line 5.

Strike: "a"

2. Page 11, line 6.

Strike: "in excess of \$500"

And, as amended, be concurred in. Report adopted.

SB 264, be concurred in. Report adopted.

SB 418, be amended as follows:

1. Page 9, line 12 through line 13.

Strike: section 9 in its entirety

Renumber: subsequent sections

2. Page 9, line 17.

Strike: "11(2)"

Insert: "10(2)"

And, as amended, be concurred in. Report adopted.

SB 465, be amended as follows:

1. Title, lines 6 and 7.

Following: the second "FROM" on line 6

Strike: remainder of line 6 through "LAND" on line 7

Insert: "CURRENT LAND USE"

2. Page 2, line 6.

Following: "TAXED"

Insert: "some"

3. Page 2, line 7.

Strike: "EACH"

Insert: "those"

Strike: "LANDOWNER OWNS"

Insert: "landowners owned"

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4. Page 3, line 9 through line 11.

Following: "(8)" on line 9

Strike: remainder of line 9 through "IT" on line 11

Insert: "The department of revenue"

5. Page 3, line 17.

Following: "shall"

Insert: ", as applicable,"

6. Page 3, line 18.

Following: the first "amount of"

Insert: "tract land that is taxable or"

7. Page 3, line 20.

Following: "ADJUDICATION"

Insert: "by a court of competent jurisdiction"

8. Page 3, line 30.

Strike: "while the land was considered taxable"

9. Page 12, line 6.

Strike: "1"

Insert: "2"

And, as amended, be concurred in. Report adopted.

SB 467, be amended as follows:

1. Page 2, line 16.

Following: "(4)"

Insert: "(a)"

2. Page 2, line 18 through line 19.

Strike: "APPROVED" on line 18 through "notice" on line 19

Insert: "provided that:

(i) the guarantee has been approved by the insurance commissioner and issued by a licensed title insurance producer; and

(ii) the guarantee was ordered on the property by the person required to give notice"

3. Page 2, line 19.

Following: "notice."

Insert: "

(b)"

And, as amended, be concurred in. Report adopted.

SB 489, be amended as follows:

1. Page 4, line 19.

Strike: "15101(2)"

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Insert: "15102(2)"

2. Page 5, line 10.

Strike: "15101(2)"

Insert: "15102(2)"

And, as amended, be concurred in. Report adopted.

SB 503, be concurred in. Report adopted.

SB 507, be amended as follows:

1. Title, line 8.

Following: " ; "

Insert: "RESTRICTING REQUIREMENTS FOR INSURANCE OR INDEMNITY;"

2. Title, line 9.

Following: "EASEMENTS;"

Insert: "REQUIRING THE STATE TO SURVEY RIVERS AND STREAMS ADJUDICATED AS NAVIGABLE
FOR TITLE PURPOSES;"

3. Page 2, line 2.

Strike: "7"

Insert: "9"

4. Page 2, line 5.

Strike: "7"

Insert: "9"

5. Page 2, line 11.

Strike: "7"

Insert: "9"

6. Page 2, line 22.

Strike: "the department"

Following: "has"

Insert: "been"

Strike: "is"

Strike: "7"

Insert: "8"

7. Page 4, line 8.

Following: "5]"

Insert: "runs with the benefited land and"

8. Page 4, line 19.

Following: "rules"

Insert: "-- prohibition"

Following: "rules."

Insert: "(1)"

Strike: "7"

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Insert: "9"

9. Page 4, line 21.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

10. Page 4, line 22.

Strike: "(2)"

Insert: "(a)"

Renumber: subsequent subsections

11. Page 4, line 28 through page 5, line 2.

Strike: subsection (5) in its entirety

Insert: "(2) The board or the department may not adopt rules requiring the purchase of liability insurance or the indemnification of the state as a condition for issuing a lease, license, or easement. The board or the department may not require the purchase of liability insurance or the indemnification of the state as a condition for the issuance of a lease, license, or easement."

12. Page 5.

Following: line 2

Insert: "NEW SECTION. Section 8. Ownership of beds of navigable rivers. The board or the department may only require a lease, license, or easement for the use of the bed of a river that has been adjudicated as navigable for title purposes by a court of competent jurisdiction or was meandered by official government survey at the time of statehood."

Insert: "NEW SECTION. Section 9. Survey of navigable rivers and streams. If a river or stream has been adjudicated as navigable for title purposes, the department shall have the river or stream surveyed to the low-water mark and the survey is a public record."

Renumber: subsequent sections

13. Page 5, line 26.

Strike: "7"

Insert: "9"

14. Page 5, line 27.

Strike: "7"

Insert: "9"

And, as amended, be concurred in. Report adopted.

SB 509, be amended as follows:

1. Page 4.

Following: line 26

Insert: "(10) 'Prepared for shipment' includes but is not limited to services such as in-mine movement, crushing, sizing, screening, storing, mixing, loading, treatment with substances including chemicals or oils, and other preparation of the coal for disposition."

Renumber: subsequent subsections

2. Page 5, line 28.

Strike: "PRIMARY" through "processing"

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Insert: "being prepared for shipment on the mode of transportation taken to its final destination"

And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 602**
Report No. 0, April 8, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 602** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 602** (reference copy -- salmon) be amended as follows:

1. Page 1, line 11.

Following: "~~vehicle~~,"

Insert: ", including a highway patrol vehicle,"

2. Page 2, line 20.

Strike: "OR"

Insert: ", "

Following: "patrol"

Insert: ", or the highway patrol"

3. Page 2, line 21.

Strike: subsection (3) in its entirety

For the House:

Shockley, Chairman
Brenden
J. Tropila

For the Senate:

Cohenour, Chairman
Brown
French
Washburn

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 310**
Report No. 0, April 8, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 310** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 310** (reference copy -- salmon) be accepted by the Senate.

For the Senate:

Shockley, Chairman
Laslovich

For the House:

Reinhart, Chairman
Sands

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Tutvedt

Ingraham
Reichner

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:30 a.m., Thursday, April 9, 2009. Motion carried.

House adjourned at 3:25 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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61ST LEGISLATURE
SEVENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
April 9, 2009

House Chambers
State Capitol

House convened at 8:30 a.m. Mr. Speaker in the Chair. Invocation by Rep. Welborn. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Mehlhoff and Randall, excused. Quorum present.

Rep. Hollandsworth wanted to wish Sevrice Olson, from Big Sandy, a very happy birthday. She will be 100 years old on April 12th.

Mr. Speaker introduced and thanked the pages for the week, John Bishop (Polson), Meghan Callahan (East Helena), Joe Dillon (Missoula), Megan Gorneau (Poplar), Christopher Jolley (Victor), Bridgett Lake (Ronan), Anders Landgren (Billings), Ross Melvin (Butte), Stevie Short (Emigrant).

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Milburn, Chairman):
SB 370, be amended as follows:

4/9/2009

1. Title, line 7.

Following: "15-38-104,"

Insert: "15-38-106,"

2. Title, line 8.

Following: "DATE"

Insert: "AND RETROACTIVE APPLICABILITY DATES"

3. Page 1, line 14.

Following: "account"

Insert: "85% of the"

4. Page 1, line 15 through line 18.

Strike: subsection (3) in its entirety

Insert: "(3) Money in the fund must be spent for the purposes of administering and enforcing this part."

5. Page 2.

Following: line 19

Insert: "Section 3. Section 15-38-106, MCA, is amended to read:

"15-38-106. Payment of tax -- records -- collection of taxes -- refunds. (1) The tax imposed by this chapter must be paid by each person to which the tax applies, on or before the due date of the annual statement established in 15-38-105, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax must be paid to the department at the time that the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall, in accordance with the provisions of 17-2-124, deposit the proceeds from the resource indemnity and ground water assessment tax and money deposited pursuant to 82-4-424(3) in the following order:

(a) annually in due course, from the proceeds of the tax to the CERCLA match debt service fund provided in 75-10-622, the amount necessary, as certified by the department of environmental quality, after crediting to the

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CERCLA match debt service fund amounts transferred from the CERCLA cost recovery account established under 75-10-631, to pay the principal of, premium, if any, and interest during the next fiscal year on bonds or notes issued pursuant to 75-10-623;

(b) \$366,000 of the proceeds from the tax in the ground water assessment account established by 85-2-905;

(c) for the biennium beginning July 1, 2007, \$150,000 of the proceeds from the tax in the water storage state special revenue account established in 85-1-631;

(d) 50% of the remaining proceeds from the tax divided equally between the environmental quality protection fund established in 75-10-704 and the hazardous waste/CERCLA special revenue account established in 75-10-621; and

(e) all remaining proceeds from the tax in the natural resources projects state special revenue account, established in 15-38-302, for the purpose of making grants to be used for mineral development reclamation projects and renewable resource projects.

(3) Each person to whom the tax applies shall keep records in accordance with 15-38-105, and the records are subject to inspection by the department upon reasonable notice during normal business hours.

(4) The department shall examine the statement and compute the taxes to be imposed, and the amount computed by the department is the tax imposed, assessed against, and payable by the taxpayer. If the tax found to be due is greater than the amount paid, the excess must be paid by the taxpayer to the department within 30 days after written notice of the amount of deficiency is mailed by the department to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax credit against tax liability for subsequent years or refunded if requested by the taxpayer."

Renumber: subsequent sections

6. Page 3.

Following: line 18

Insert: "(3) The department shall deposit 85% of proceeds from annual fees into the opencut fund established in [section 1] and transfer 15% of the proceeds from the fees to the department of revenue for distribution in accordance with 15-38-106."

7. Page 4, line 5.

Following: "**APPLICABILITY.**"

Insert: "(1) Except as provided in subsection (2), [this act] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2007.

(2)"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

4/8/2009

HB 238, introduced by Miller

HB 306, introduced by Morgan

HB 487, introduced by McNutt

HB 562, introduced by Cohenour

HB 585, introduced by McClafferty

Governor's amendments to **House bill** concurred in and returned to the House:

4/8/2009

HB 171, introduced by Augare

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House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

4/8/2009

HB 6, introduced by McNutt

HB 7, introduced by McNutt

HB 123, introduced by Jones

HB 478, introduced by Grinde

HB 670, introduced by Vincent

Free Conference Committee Report No.1 adopted:

4/8/2009

SB 79, introduced by Juneau

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 39, introduced by P. Noonan, French, McClafferty, Sesso, Jopek, A. Noonan, referred to Human Services.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 228, Conference Committee report, passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hawk, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.

Total 85

Nays: Barrett, Caferro, Dickenson, Driscoll, Hamilton, Hands, Henry, Hollenbaugh, MacDonald, Malek, Pease-Lopez, Phillips, Wilmer, Wiseman.

Total 14

Excused: None.

Total 0

Absent or not voting: Hendrick.

Total 1

HB 269, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek,

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Kasten, Kerns, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Taylor, Vance, Van Dyk, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 78

Nays: Bean, B. Beck, Blasdel, Hawk, Himmelberger, Hollandsworth, Lake, MacLaren, Mendenhall, Miller, Peterson, Randall, Reichner, Sales, Smith, Sonju, Stoker, Wagner, Washburn.

Total 19

Excused: None.

Total 0

Absent or not voting: Hendrick, Stahl, Villa.

Total 3

HB 449, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: Bean, Blasdel, Boniek, Howard, Kerns, MacLaren, McGillvray, Mendenhall, Miller, More, Sales, Smith, Sonju, Wagner.

Total 14

Excused: None.

Total 0

Absent or not voting: Hendrick.

Total 1

HB 608, as amended by the Senate, passed as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 74

Nays: Arntzen, Bean, Bennett, Berry, Boniek, Hawk, Howard, Ingraham, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, Peterson, Randall, Regier, Reichner, Sales, Smith, Stoker, Taylor, Vance, Vincent, Wagner.

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Total 25

Excused: None.

Total 0

Absent or not voting: Hendrick.

Total 1

HB 622, Conference Committee report, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Morgan, Villa.

Total 2

Excused: None.

Total 0

Absent or not voting: Hendrick.

Total 1

SB 73, Conference Committee report, concurred in as follows:

Yeas: Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Wilmer, Wilson, Wiseman.

Total 74

Nays: Ankney, Arntzen, Bean, Bennett, Berry, Blasdel, Hawk, Hollandsworth, Howard, Jones, Kasten, Kerns, Lake, McGillvray, Miller, More, O'Hara, Peterson, Regier, Smith, Stoker, Warburton, Washburn, Welborn, Mr. Speaker.

Total 25

Excused: None.

Total 0

Absent or not voting: Hendrick.

Total 1

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SB 108, Conference Committee report, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Hendrick.

Total 1

SB 131 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 69

Nays: Bean, B. Beck, Blasdel, Boniek, Butcher, Himmelberger, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Taylor, Vance, Wagner, Warburton.

Total 29

Excused: None.

Total 0

Absent or not voting: Hendrick, Stahl.

Total 2

SB 176 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Belcourt, Blasdel, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk,

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Villa, Wagner, Washburn, Wilmer, Wilson.
Total 75

Nays: Bean, Becker, Bennett, Berry, Blewett, Butcher, Howard, Kasten, Kerns, Lake, McGillvray, Miller, More, Nooney, Pomnichowski, Randall, Regier, Sales, Sonju, Vincent, Warburton, Welborn, Wiseman, Mr. Speaker.
Total 24

Excused: None.
Total 0

Absent or not voting: Hendrick.
Total 1

SB 234 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 75

Nays: Bean, B. Beck, Bennett, Boniek, Brown, Hawk, Himmelberger, Ingraham, Jones, Kasten, Kerns, Lake, MacLaren, Mendenhall, Milburn, Miller, More, Randall, Regier, Sales, Smith, Stoker, Vance, Wagner.
Total 24

Excused: None.
Total 0

Absent or not voting: Hendrick.
Total 1

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollandsworth in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 249 - Representative Kottel moved **SB 249** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Berry, Boniek, Butcher, Caferro, Campbell, Ebinger, Getz, Glaser, Grinde, Hamilton, Himmelberger, Hoven, Ingraham, Jones, Kasten, Kerns, Kottel, MacDonald, McChesney, McClafferty, McNutt, Mehlhoff, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Roberts, Roundstone, Sesso, Smith, Stahl, Taylor, Vincent, Wagner, Warburton, Mr. Speaker.
Total 46

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Nays: Ankney, Bean, B. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Brown, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Jopek, Klock, Lake, MacLaren, Malek, McAlpin, McGillvray, Menahan, Mendenhall, Milburn, Miller, Pomnichowski, Regier, Reichner, Reinhart, Sales, Sands, Sonju, Steenson, Stoker, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 356 - Representative Reichner moved **SB 356** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 76

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Glaser, Hawk, Hendrick, Howard, Kasten, Kerns, Lake, Mendenhall, Miller, Randall, Regier, Sales, Sonju, Taylor, Vincent, Wagner, Warburton, Washburn.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 602 - Conference Committee Report No. 1 - Representative Cohenour moved the Conference Committee report to **HB 602** be adopted. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Ankney, Mendenhall, Miller, More, Nooney, Vance, Wagner, Welborn.

Total 8

Excused: None.

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Total 0

Absent or not voting: Reinhart.

Total 1

SB 48 - Conference Committee Report No. 1 - Representative Pomnichowski moved the Conference Committee report to **SB 48** be adopted. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Ankney, Boniek, Mendenhall, Miller, More, Sales, Wagner.

Total 7

Excused: None.

Total 0

Absent or not voting: Campbell, Stahl.

Total 2

SB 310 - Conference Committee Report No. 1 - Representative Sands moved the Conference Committee report to **SB 310** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Peterson, Sales.

Total 2

Excused: None.

Total 0

Absent or not voting: Vincent.

Total 1

SB 427 - Conference Committee Report No. 1 - Representative A. Noonan moved the Conference Committee report

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to **SB 427** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 36 - Representative Kottel moved **HJR 36** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: Bean, B. Beck, Butcher, Hawk, Himmelberger, Ingraham, Kasten, Lake, Mendenhall, Miller, Morgan, Peterson, Sales, Smith, Sonju.

Total 15

Excused: None.

Total 0

Absent or not voting: Hiner.

Total 1

SB 303 - Representative Dickenson moved **SB 303** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson,

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Wiseman, Mr. Speaker.
Total 61

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.
Total 39

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 369 - Representative More moved **SB 369** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blasdel.
Total 1

SB 451 - Representative Van Dyk moved **SB 451** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: None.

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Total 0

Excused: None.

Total 0

Absent or not voting: Blasdel.

Total 1

SB 462 - Representative McNutt moved **SB 462** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Wilmer.

Total 1

SB 476 - Representative Blewett moved **SB 476** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hoven, Hunter, Ingraham, Jopek, Kottel, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sesso, Sonju, Stahl, Taylor, Van Dyk, Villa, Vincent, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 64

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Cohenour, Driscoll, Hawk, Hendrick, Himmelberger, Hollenbaugh, Howard, Jones, Kasten, Kerns, Klock, Lake, McAlpin, Menahan, Nooney, Randall, Regier, Reichner, Roberts, Sales, Sands, Smith, Steenson, Stoker, Vance, Wagner, Washburn, Welborn.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 18 - Governor's Amendments - Representative Hiner moved Governor's amendments to **SB 18** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Hawk, Hendrick, Howard, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Miller, More, Morgan, Reichner, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vincent, Wagner, Warburton.

Total 27

Excused: None.

Total 0

Absent or not voting: Butcher.

Total 1

SB 271 - Representative Reinhart moved **SB 271** be concurred in.

SB 271 - Representative Mendenhall moved **SB 271** be amended as follows:

1. Page 3, line 20.

Strike: "or"

2. Page 3, line 22.

Insert: "; or

(c) the applicant is licensed as a clinical social worker under Title 37, chapter 22, or as a clinical professional counselor under Title 37, chapter 23, and has practiced marriage and family therapy within the state for a period prescribed by the board"

Motion to amend, carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Lake, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Peterson, Regier, Reichner, Roberts, Sales, Sands, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 54

Nays: Augare, Barrett, P. Beck, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McClafferty, Menahan, A. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 44

Excused: Mehlhoff, Randall.

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Total 2

Absent or not voting: None.

Total 0

SB 271 - Representative Reinhart moved **SB 271** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 55

Nays: Ankney, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollandsworth moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: Boniek, Hawk, Hendrick, Kasten, Lake, Mendenhall, Miller, Sales, Vincent, Wagner, Warburton.

Total 11

Excused: Mehlhoff, Randall.

Total 2

Absent or not voting: Himmelberger, Hollandsworth, Welborn.

Total 3

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 9, 2009

on House Amendments to **Senate Bill 305**

HOUSE JOURNAL
SEVENTY-EIGHTH LEGISLATIVE DAY - APRIL 9, 2009

Report No. 0, April 8, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 305** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 305** (reference copy -- salmon) be amended as follows:

1. Page 3, line 6.

Strike: "120"

Insert: "80"

For the Senate:

Tutvedt, Chairman
Esp
Laslovich

For the House:

Reinhart, Chairman
Ebinger
Berry
Stahl

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 404**
Report No. 0, April 9, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 404** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 404** (reference copy -- salmon) be amended as follows:

1. Page 1, line 13.

Strike: "1,280"

Insert: "1,920"

2. Page 1, line 14.

Following: "acres"

Strike: " "

Strike: "MAY NOT"

Insert: "and must"

3. Page 1, line 15.

Strike: "WITHIN 2 MILES OF ANOTHER PRESERVE, AND MAY"

Insert: "in areas that will"

For the Senate:

Brueggeman, Chairman
Barkus
Jent

For the House:

Van Dyk, Chairman
Cohenour
Hendrick
Milburn

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MOTIONS

Rep. Cohenour moved to have her vote recorded as a '**YES**' on **HB 228** for 3rd reading. Motion carried.

Rep. Campbell moved that **SJR 30** be moved to the Business and Labor committee. Motion carried.

Rep. Campbell moved that **SB 303** be moved to the Appropriations committee. Motion carried.

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **HB 531** and request the senate to appoint a like committee.

The Speaker Appoints:

Rep. Kottel, Vice Chair

Rep. Phillips

Rep. Nooney

Rep. Sonju

ANNOUNCEMENTS

Mr. Speaker reminded everyone that their Interim Committee appointment forms are due today.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Tuesday, April 14, 2009. Motion carried.

House adjourned at 10:18 a.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
SEVENTY-NINTH LEGISLATIVE DAY**

Helena, Montana
April 14, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Stahl. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Brown wished Representative Ankney, Tyrrell Hibbard (the Status Clerk), and Taylor Bergemann (the Bills Distribution Clerk) happy birthdays.

Mr. Speaker introduced the pages for the week: Jake Brodsky (Helena), Megan Chansler (Lolo), Alyssa Dillon (Conrad), Lucas Matelich (Missoula), Laura Miltenberger (Clancy), Ken Patrick (Big Fork), Olivia Skari (Chester), Mauro Whiteman (Great Falls).

Representatives Reinhart and P. Noonan read the following proclamation:

PROCLAMATION IN THE MONTANA HOUSE AND SENATE

WHEREAS Carroll College was founded in the year 1909 by Bishop John Patrick Carroll to advance higher education for the young men of Montana in whatever lay or spiritual vocations they would choose to pursue; and

WHEREAS under Bishop Carroll's management, construction of Carroll College's flagship edifice, St. Charles Hall, began on June 16, 1909, and the cornerstone was officially installed on September 27, 1909, by Bishop Carroll and U.S. President William Howard Taft in the presence of many distinguished Montanans and townspeople; and

WHEREAS the college has grown over the past century from a one-building institution on the periphery of the state capital with only a small number of male-only students and fewer than 10 priest faculty to a nationally recognized co-educational college with a student body of 1,400 and full-time faculty of approximately 80 scholar-professors, both lay and priestly, leaders in their fields from around the globe; and

WHEREAS over the past one-hundred years, Carroll College has earned national stature through a variety of accomplishments previously honored in these hallowed halls of the Montana Legislature; and

WHEREAS Carroll College boasts legendary alumni whose influence has extended statewide, nationally and on every continent; and

WHEREAS many of these outstanding Carroll alumni settle within Montana and in its capital city of Helena, contributing to the quality of life, economic robustness and intellectual vigor of the Treasure State, while bringing with them a solid adherence to the ethics in all of their endeavors, both professional and personal; and

WHEREAS Carroll College, its faculty, presidents, staff and students, both current and past, are now ushering in a Centennial Celebration of their college's founding to recognize and honor its legendary figures and its timeless traditions embodied in the Centennial Campaign motto "Learn-Serve-Lead,"

NOW, THEREFORE we as you Mr. Speaker to proclaim that the 2009 Montana Legislature shall hereby recognize Carroll College as a great and historic Montana institution of higher learning in this, Carroll's centennial year 2009 through 2010, with special observation of Carroll College's contribution to the State of Montana through its preparation of outstanding, ethical citizens and professionals in a broad spectrum of fields and vocations.

Mr. Speaker, "So ordered"

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REPORTS OF STANDING COMMITTEES

AGRICULTURE (Jopek, Chairman):

4/14/2009

SB 38, be concurred in. Report adopted.

SB 55, be amended as follows:

1. Page 1, line 16.

Strike: "A"

Insert: "(1) Except as provided in subsection (2), a"

2. Page 1, line 21.

Insert: "(2) (a) A political subdivision may enter into a cooperative agreement with the department concerning the use and application of commercial fertilizers or soil amendments.

(b) Nothing in subsection (1) prevents a political subdivision from adopting or implementing zoning regulations or fire codes governing the physical location or siting of fertilizer manufacturing, storage, and sales facilities."

3. Page 2, line 28.

Following: "amendments"

Insert: ", except that a local government may enter into a cooperative agreement with the department of agriculture concerning the use and application of commercial fertilizers or soil amendments. This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or fire codes governing the physical location or siting of fertilizer manufacturing, storage, and sales facilities"

4. Page 5, line 9.

Following: "~~75-10-715(1)~~."

Insert: "The term also does not include the owner or operator of the Milltown dam licensed under part 1 of the Federal Power Act (FERC license No. 2543-004) if a hazardous or deleterious substance has been released into the environment upstream of the dam and has subsequently come to be located in the reservoir created by the dam unless the owner or operator is a person who would otherwise be liable for a release or threatened release under 75-10-715(1)."

And, as amended, be concurred in. Report adopted.

SB 204, be concurred in. Report adopted.

SB 214, be amended as follows:

1. Page 2, line 1.

Following: "45-6-327;"

Insert: "and"

2. Page 2, line 4 through line 10.

Following: "45-6-327" on line 4

Strike: "; and" on line 4 through "consent" on line 10

3. Page 7, line 5.

Strike: "\$10,000"

Insert: "\$5,000"

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4. Page 7, line 26.

Strike: "\$10,000"

Insert: "\$5,000"

And, as amended, be concurred in. Report adopted.

SB 300, be concurred in. Report adopted.

SB 322, be amended as follows:

1. Title, line 7.

Strike: "REGISTRATION PROVISIONS"

Insert: "APPLICATION AND REREGISTRATION FEES"

2. Page 1, line 14.

Following: "applicant"

Insert: "who is not a hobbyist beekeeper and is"

3. Page 2, line 25.

Strike: "EXCEPT AS PROVIDED IN 80-6-114, A"

Insert: "A"

4. Page 3, line 2.

Following: "(b)"

Insert: "(i)"

Strike: "The"

Insert: "Except as provided in subsection (2)(b)(ii), the"

5. Page 3.

Following: line 3

Insert: "(ii) A hobbyist beekeeper is exempt from the registration fee required in subsection (2)(b)(i)."

6. Page 9, line 7 through line 10.

Strike: subsection (4) in its entirety

Renumber: subsequent subsection

7. Page 9, line 18 through line 21.

Strike: "-- VOLUNTARY" on line 18

Strike: "(1)" on line 18 through "80-6-102." on line 21

Renumber: subsequent subsections

8. Page 10, line 14.

Following: "bees"

Strike: ":",

Insert: ". The department shall provide at least 24 hours' notice to a private landowner before entering private land."

And, as amended, be concurred in. Report adopted.

SB 343, be concurred in. Report adopted.

APPROPRIATIONS (Sesso, Chairman):

4/14/2009

STATE INTERNET/BBS COPY

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SB 263, be amended as follows:

1. Page 12.

Following: line 8

Insert: "NEW SECTION. Section 3. Contingent voidness. If House Bill No. 2 is passed and approved and does not include the restoration of the \$250,000 per year general fund reduction in the Office of State Public Defender related to the passage and approval of [this act], then [this act] is void."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

SB 460, be amended as follows:

1. Page 1, line 14.

Strike: "13"

Insert: "10"

2. Page 1, line 15 through line 24.

Strike: line 15 through line 24 in their entirety

Insert: "(a) five members of the house of representatives appointed by the speaker of the house from the following committees:

(i) one republican member from the revenue and transportation committee;

(ii) one democratic member from the education and local government committee;

(iii) one republican member from the children, families, health, and human services committee;

(iv) one democratic member from the legislative finance committee; and

(v) one democratic member from the legislative council; and

(b) five members of the senate appointed by the president of the senate from the following committees:

(i) one democratic member from the revenue and transportation committee;

(ii) one republican member from the education and local government committee;

(iii) one democratic member from the children, families, health, and human services committee;

(iv) one republican member from the legislative finance committee; and

(v) one republican member from the legislative council."

3. Page 1, line 28 through line 29.

Strike: "Other" on line 28 through "2-18-503." on line 29

And, as amended, be concurred in. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (A. Noonan, Chairman) 4/14/2009

SB 291, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House amendments to Senate bills concurred in:

4/9/2009

SB 65, introduced by Hawks

SB 231, introduced by Laible

SB 430, introduced by Hamlett

House bills concurred in and returned to the House:

4/9/2009

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HB 280, introduced by Hunter
HB 356, introduced by Wagner

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/9/2009

HB 3, introduced by Ankney
HB 4, introduced by Jones
HB 8, introduced by McNutt
HB 42, introduced by Vincent
HB 110, introduced by Sesso
HB 173, introduced by Hendrick
HB 333, introduced by P. Noonan
HB 583, introduced by Fleming
HB 634, introduced by McAlpin

Governor's amendments to House bill concurred in and returned to the House: 4/9/2009

HB 322, introduced by Blewett

Conference Committee Report No.1 adopted: 4/9/2009

SB 73, introduced by Hawks

Free Conference Committee Report No.1 adopted: 4/9/2009

SB 108, introduced by Jent

Conference Committee Report No.1 adopted: 4/9/2009

HB 228, introduced by Kerns

Free Conference Committee Report No.1 adopted: 4/9/2009

HB 622, introduced by Himmelberger

House bill not concurred in and returned to the House: 4/9/2009

HB 12, introduced by Wilmer

MESSAGES FROM THE GOVERNOR

April 10, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Robert Story

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 14, 2009

President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 301, **"AN ACT INCLUDING REASONABLE PARALEGAL FEES AS A COMPONENT OF ATTORNEY FEES THAT MAY BE AWARDED TO A PREVAILING PARTY IN CERTAIN CASES; DEFINING "PARALEGAL"; AMENDING SECTIONS 25-10-302 AND 37-61-215, MCA; AND PROVIDING AN APPLICABILITY DATE"** for the following reasons.

My amendment to HB 301 is offered to affirm and reinforce that paralegals must work under the supervision of a licensed attorney and may not engage in the unauthorized practice of law. I have discussed the amendment with the sponsor of the bill, Rep. Kottel, as well as with a representative of the State Bar of Montana, and the Board of the Paralegal Section of the State Bar, and all support the amendment.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 301

2. Page 2, line 3.

Following: line 2

Insert: "(3) A person may not practice as a paralegal except under the supervision of a licensed attorney and is prohibited from engaging in the unauthorized practice of law."

- END -

April 10, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Bergren and President Story:

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In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 150, **"AN ACT CREATING THE MONTANA RECREATION RESPONSIBILITY ACT; PROVIDING THAT A PERSON WHO ENGAGES IN A SPORT OR RECREATIONAL OPPORTUNITY ASSUMES THE INHERENT RISKS IN THAT SPORT OR RECREATIONAL OPPORTUNITY AND IS RESPONSIBLE FOR INJURIES AND DAMAGES RESULTING FROM THOSE INHERENT RISKS; LIMITING THE LIABILITY OF THE NONGOVERNMENTAL PROVIDERS OF A SPORT OR RECREATIONAL OPPORTUNITY; CLARIFYING THAT A PROVIDER IS NOT REQUIRED TO ELIMINATE, ALTER, OR CONTROL THE INHERENT RISKS WITHIN A PARTICULAR SPORT OR RECREATIONAL OPPORTUNITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"** for the following reasons.

My amendments to HB 150 accomplish three things. First and foremost, they add governmental entities within the protections of the bill. When Montanans adopted their Constitution in 1972, they abolished the doctrine of sovereign immunity under state law. That doctrine traces its origins to English common law, under which the government, i.e., the King, could do no wrong. Under the 1972 Constitution, Montanans decided that governmental entities would be responsible for their wrongdoings just as are private actors. A primary objection of mine to HB 150 in its current form is that it turns the 1972 Montana Constitution's abolition of sovereign immunity on its head, since all actors *except* the government are relieved from liability for inherent risks in sports and recreational activities. My amendment would treat the government the same as all other private parties.

1. As you know, under Article II, section 18 of the Montana Constitution, my amendment requires a 2/3 vote of each house of the legislature. I ask you to join me in treating government providers of recreational activities, such as Universities and schools, in the same manner as private persons.

While offering an amendment to add governmental entities among those subject to the protections of this bill, I also proposed adding language to make clear that a provider is not only a "person" but includes corporations, partnerships, and other business entities.

Second, my amendments clarify that the Act does not apply to sports equipment or products in their design, manufacture, provision, or maintenance. In its current form, the bill states only that the Act does not apply to the design and manufacture of sports equipment or products. It is my understanding that the bill was never intended to apply to any aspect of deficient sports equipment. Rather, it was intended to apply to the inherent risk of the recreation activity, itself. My amendment ensures this result.

Finally, my amendments strike provisions in the first section of the bill that are of a philosophical nature. The limits on liability for providers of sports or recreational opportunity involving inherent risk are contained in section 3 of HB 150. Those limits are clear and, I believe, do not require further embellishment in section 1.

I believe these amendments are fair and, if adopted, will result in a clear and sound policy recognizing limits on liability of providers for risks inherent in recreational activities and sports.

I have discussed the amendments with the sponsor of the bill, Rep. Dee Brown, who supports the amendments. Please join her with your support, as well.

Sincerely,

BRIAN SCHWEITZER
Governor

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GOVERNOR'S AMENDMENTS
TO HOUSE BILL 150

2. Title, line 8.

Strike: "NONGOVERNMENTAL"

Following: "OPPORTUNITY;"

Insert: "PROVIDING GOVERNMENTAL IMMUNITY;"

3. Page 1, line 27.

Strike: "(1)"

4. Page 1, line 29 through page 2, line 8.

Strike: subsections (2) through (4) in their entirety

5. Page 2, line 14.

Strike: "other than"

Insert: "corporation, partnership, or other business entity, including"

Following: "entity"

Insert: "as defined in 2-9-111"

6. Page 3, line 2.

Following: "design"

Strike: "or"

Insert: ", "

Following: "manufacture"

Insert: ", provision, or maintenance"

7. Page 3, line 5 through line 6.

Strike: subsection (5) in its entirety

8. Page 4, line 1.

Insert: "NEW SECTION. Section 7. Two-thirds vote required. Because [section 3] limits governmental liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage."

Renumber: subsequent sections

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- END -

April 10, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 98, **"AN ACT AUTHORIZING STATE AGENCIES TO ENTER INTO ENERGY PERFORMANCE CONTRACTS; AND AMENDING SECTIONS 18-2-101, 18-4-132, 90-4-1101, 90-4-1102, 90-4-1103, 90-4-1104, 90-4-1105, 90-4-1106, 90-4-1107, 90-4-1108, AND 90-4-1109, MCA"** for the following reasons.

House Bill 98 authorizes state agencies to enter into energy performance contracts, which under current law may be entered into by local governments. My amendment provides an immediate effective date, in order that contracts can be entered into by the state immediately under the American Recovery and Reinvestment Act of 2009.

1. I have discussed my proposed amendment with the sponsor of the bill, Rep. Dick Barrett, who supports the amendment.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 98

2. Title, line 6.

1. **Strike:** "AND"

3. Title, line 7.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

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4. Page 8, line 20.

Insert: "NEW SECTION. Section 14. {standard} **Effective date.** [This act] is effective on passage and approval."

- END -

April 9, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Bergren:

Please be informed that I have signed the following bills, and all have been delivered to the Office of the Secretary of State: 4/9/2009

House Bill 133 sponsored by Representative Stoker,
House Bill 144 sponsored by Representative McAlpin,
House Bill 163 sponsored by Representative Cohenour,
House Bill 195 sponsored by Representative Hamilton,
House Bill 197 sponsored by Representative Ebinger et al.,
House Bill 221 sponsored by Representative Cohenour et al.,
House Bill 243 sponsored by Representative Hunter et al.,
House Bill 290 sponsored by Representative Grinde et al.,
House Bill 291 sponsored by Representative Sonju,
House Bill 317 sponsored by Representative Furey et al.,
House Bill 354 sponsored by Representative Glaser et al.,
House Bill 365 sponsored by Representative Roberts,
House Bill 397 sponsored by Representative Kottel,
House Bill 400 sponsored by Representative Kottel et al.,
House Bill 407 sponsored by Representative MacDonald et al.,
House Bill 530 sponsored by Representative Arntzen,
House Bill 593 sponsored by Representative Villa et al.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 40, introduced by Menahan, referred to Judiciary.
HJR 41, introduced by Pomnichowski, referred to Natural Resources.

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Randall in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 305 - Conference Committee Report No. 1 - Representative Reinhart moved the Conference Committee report to **SB 305** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Mendenhall, Peterson, Welborn.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 404 - Conference Committee Report No. 1 - Representative Van Dyk moved the Conference Committee report to **SB 404** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Sales.

Total 1

Excused: None.

Total 0

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Absent or not voting: Butcher.
Total 1

HB 123 - Senate Amendments - Representative Jones moved Senate amendments to **HB 123** be concurred in.
Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 93

Nays: McGillvray, Peterson, Regier, Sales, Smith, Wiseman.
Total 6

Excused: None.
Total 0

Absent or not voting: Butcher.
Total 1

HB 670 - Senate Amendments - Representative Vincent moved Senate amendments to **HB 670** be concurred in.
Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 97

Nays: Phillips, Wiseman.
Total 2

Excused: None.
Total 0

Absent or not voting: Butcher.
Total 1

SB 257 - Representative Vincent moved **SB 257**.
SB 257 - Representative Hands moved **SB 257** be amended as follows:

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1. Title, page 1, line 13.

Following: "SERVICES;"

Insert: "INCREASING THE RENEWABLE PORTFOLIO STANDARD TO COMPLY WITH THE ADDITION OF UPGRADES TO THE DEFINITION OF "ELIGIBLE RENEWABLE RESOURCE";"

2. Title, page 1, line 16.

Following: "69-3-2004,"

Insert: "69-3-2005,"

3. Page 3, line 30.

Strike: "(11) and (12)"

Insert: "(13) and (14)"

4. Page 4, line 1.

Strike: "(4)"

Insert: "(6)"

5. Page 4, line 5.

Strike: "2014"

Insert: "2011"

6. Page 4.

Following: line 12

Insert: "(4) In each compliance year beginning January 1, 2012, through December 31, 2014, each public utility and competitive electricity supplier shall procure a minimum of 15% of its retail sales of electrical energy in Montana from eligible renewable resources."

Renumber: subsequent subsections

7. Page 4, line 13.

Strike: "the"

Insert: "each"

Strike: "and" through "year"

Insert: "through December 31, 2019"

8. Page 4, line 14.

Strike: "15%"

Insert: "20%"

9. Page 4, line 16.

Strike: "(4)(a)"

Insert: "(5)(a)"

10. Page 4, line 19.

Strike: "(4)(b)(i)"

Insert: "(5)(b)(i)"

11. Page 4, line 21.

Strike: "(4)(b)"

Insert: "(5)(b)"

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12. Page 4.

Following: line 22

Insert: "(6) In the compliance year beginning January 1, 2020, and in each succeeding compliance year, each public utility and competitive electricity supplier shall procure a minimum of 25% of its retail sales of electrical energy in Montana from eligible renewable resources."

Renumber: subsequent subsections

13. Page 4, line 23.

Strike: "(4)"

Insert: "(6)"

14. Page 4, line 27.

Strike: "(4)"

Insert: "(6)"

15. Page 5, line 1.

Strike: "(4)"

Insert: "(6)"

16. Page 5, line 7.

Strike: "(7)(a)(i) and (7)(a)(ii)"

Insert: "(9)(a)(i) and (9)(a)(ii)"

17. Page 5, line 10.

Strike: "(4)"

Insert: "(6)"

18. Page 5, line 13.

Strike: "(4)"

Insert: "(6)"

19. Page 5, line 20.

Strike: "(4)"

Insert: "(6)"

20. Page 5, line 22.

Strike: "(4)"

Insert: "(6)"

21. Page 5, line 25.

Strike: "(11) and (12)"

Insert: "(13) and (14)"

22. Page 5, line 26.

Strike: "(4)"

Insert: "(6)"

23. Page 6, line 2.

Strike: "(4)"

Insert: "(6)"

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24. Page 6, line 3.

Strike: "(10)"

Insert: "(12)"

25. Page 6, line 13.

Strike: "(4)"

Insert: "(6)"

26. Page 6, line 14.

Strike: "(12)(a)"

Insert: "(14)(a)"

27. Page 6.

Following: line 15

Insert: "Section 3. Section 69-3-2005, MCA, is amended to read:

"69-3-2005. Procurement -- cost recovery -- reporting. (1) In meeting the requirements of this part, a public utility shall:

(a) conduct renewable energy solicitations under which the public utility offers to purchase renewable energy credits, either with or without the associated electricity, under contracts of at least 10 years in duration; and

(b) consider the importance of geographically diverse rural economic development when procuring renewable energy credits.

(2) A public utility that intends to enter into contracts of less than 10 years in duration shall demonstrate to the commission that these contracts will provide a lower long-term cost of meeting the standard established in 69-3-2004.

(3) (a) Contracts signed for projects located in Montana must require all contractors to give preference to the employment of bona fide Montana residents, as defined in 18-2-401, in the performance of the work on the projects if the Montana residents have substantially equal qualifications to those of nonresidents.

(b) Contracts signed for projects located in Montana must require all contractors to pay the standard prevailing rate of wages for heavy construction, as provided in 18-2-401(13)(a), during the construction phase of the project.

(4) All contracts signed by a public utility to meet the requirements of this part are eligible for advanced approval under procedures established by the commission. Upon advanced approval by the commission, these contracts are eligible for cost recovery from ratepayers, except that nothing in this part limits the commission's ability to subsequently, in any future cost-recovery proceeding, inquire into the manner in which the public utility has managed the contract and to disallow cost recovery if the contract was not reasonably administered.

(5) A public utility or competitive electricity supplier shall submit renewable energy procurement plans to the commission in accordance with rules adopted by the commission. The plans must be submitted to the commission on or before:

~~(a) January 1, 2007, for the standard required in 69-3-2004(2);~~

~~_____ (b) June 1, 2008, for the standard required in 69-3-2004(3);~~

~~(c) (a) June 1, 2013 2010, for the standard required in 69-3-2004(4); and~~

~~(b) June 1, 2013, for the standard required in 69-3-2004(5);~~

~~_____ (c) June 1, 2018, for the standard required in 69-3-2004(6); and~~

~~(d) any additional future dates as required by the commission.~~

(6) A public utility or competitive electricity supplier shall submit annual reports, in a format to be determined by the commission, demonstrating compliance with this part for each compliance year. The reports must be filed by March 1 of the year following the compliance year.

(7) For the purpose of implementing this part, the commission has regulatory authority over competitive electricity suppliers."

Renumber: subsequent sections

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Motion to amend, **failed** as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, Mehlhoff, Menahan, A. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 47

Nays: Ankney, Arntzen, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McClafferty, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 257 - Representative Vincent moved **SB 257** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Campbell, Driscoll, French, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 62

Nays: Barrett, P. Beck, Becker, Blewett, Boland, Caferro, Cohenour, Dickenson, Ebinger, Fleming, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, Menahan, A. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 260 - Representative A. Noonan moved **SB 260** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray,

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McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 418 - Representative Cohenour moved **SB 418** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Ingraham, Kerns, McGillvray, Regier, Reichner, Smith.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 464 - Representative A. Noonan moved **SB 464** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 82

Nays: Blasdel, Boniek, Hendrick, Ingraham, Kasten, Kerns, Mendenhall, Milburn, Miller, Randall, Regier, Reichner, Smith, Taylor, Wagner, Warburton.

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Total 16

Excused: None.

Total 0

Absent or not voting: Arntzen, Butcher.

Total 2

SB 465 - Representative Cohenour moved **SB 465** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Pease-Lopez, Villa.

Total 2

Excused: None.

Total 0

Absent or not voting: Butcher, A. Noonan.

Total 2

SB 467 - Representative Wiseman moved **SB 467** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Brown, Campbell.

Total 2

Excused: None.

Total 0

Absent or not voting: Butcher, Caferro.

Total 2

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SB 489 - Representative Lake moved **SB 489** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Boniek, Mendenhall, Stahl.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 491 - Representative Stahl moved **SB 491** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Butcher, Steenson.

Total 2

SB 507 - Representative Di. Barrett moved **SB 507**.

SB 507 - Representative Di. Barrett moved **SB 507** be amended as follows:

1. Page 4, line 16.

Following: "are"

Insert: "proposed to be"

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2. Page 4, line 17.

Following: "easement"

Insert: "for water diversion structures associated with a water right"

3. Page 4, line 29.

Following: "easement"

Insert: "for water diversion structures associated with a water right"

Motion to amend, carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Pease-Lopez, Randall, Sales, Sonju, Taylor, Wagner.

Total 6

Excused: None.

Total 0

Absent or not voting: B. Beck, Butcher, Welborn.

Total 3

SB 507 - Representative Villa moved to pass consideration on **SB 507** for the day. Motion requires a simple majority vote. Motion **failed** as follows:

Yeas: Becker, Blewett, Campbell, Driscoll, Getz, Grinde, Hands, Hiner, Hollenbaugh, Jopek, MacDonald, McChesney, McClafferty, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Mr. Speaker.

Total 25

Nays: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Caferro, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Glaser, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wiseman.

Total 74

Excused: None.

Total 0

Absent or not voting: Butcher.

Total 1

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SB 507 - Representative -Di. Barrett moved **SB 507** as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wiseman.

Total 84

Nays: Blewett, Hands, Himmelberger, Hollenbaugh, Jopek, McClafferty, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Pomnichowski, Sesso, Villa, Wilmer, Wilson, Mr. Speaker.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 508 - Representative Sonju moved **SB 508** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson.

Total 74

Nays: Ankney, Arntzen, Becker, Bennett, Boniek, Brown, Caferro, Campbell, Getz, Henry, Ingraham, Kerns, McGillvray, Mendenhall, Miller, More, Regier, Roberts, Sales, Smith, Stahl, Vincent, Wagner, Warburton, Wiseman, Mr. Speaker.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 263 - Representative Menahan moved **SB 263** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A.

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Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 92

Nays: Augare, Berry, Boniek, Brown, Howard, Hunter, Miller, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 460 - Representative Sesso moved **SB 460** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 95

Nays: Boniek, Malek, Peterson, Villa, Wiseman.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Randall moved the Committee of the Whole report be adopted. Report .

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 89

Nays: Boniek, Mendenhall, Miller, Sales, Villa, Vincent, Wagner, Wiseman.

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Total 8

Excused: None.

Total 0

Absent or not voting: Nooney, Randall, Reichner.

Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 602, Conference Committee report, passed as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Ankney, Mendenhall, Miller, More, Villa, Welborn.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 36 adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 82

Nays: Bean, B. Beck, Blasdel, Brown, Butcher, Hawk, Himmelberger, Ingraham, Lake, McNutt, Mendenhall, Miller, Morgan, Peterson, Sales, Smith, Sonju, Wagner.

Total 18

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 18, as amended by the Governor, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 80

Nays: Bean, Bennett, Berry, Blasdel, Boniek, Hawk, Hendrick, Howard, Kasten, Lake, McGillvray, Mendenhall, Miller, More, Reichner, Sales, Smith, Sonju, Taylor, Vincent.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 48, Conference Committee report, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 90

Nays: Boniek, Himmelberger, Mendenhall, Miller, More, Sales, Stahl, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: Hamilton, Welborn.
Total 2

SB 271, concurred in as follows:

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Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 58

Nays: Ankney, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McNutt, Mendenhall, Milburn, Miller, More, Nooney, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 310, Conference Committee report, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: B. Beck, Caferro, Mendenhall, Peterson, Sales, Sonju, Vincent.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 369, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa,

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Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 427, Conference Committee report, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Lake, MacLaren, Morgan, Sonju, Wagner.
Total 5

Excused: None.
Total 0

Absent or not voting: Boniek.
Total 1

SB 451 concurred in as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Ankney.
Total 1

Excused: None.

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Total 0

Absent or not voting: Van Dyk.

Total 1

SB 462 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Reichner.

Total 1

SB 476 concurred in as follows:

Yeas: Ankney, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Getz, Grinde, Hands, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Kottel, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Warburton, Wilmer, Wiseman, Mr. Speaker.

Total 56

Nays: Arntzen, Augare, Barrett, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, French, Furey, Glaser, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Howard, Jones, Kasten, Kerns, Klock, Lake, Malek, McAlpin, Menahan, Miller, Nooney, Randall, Regier, Reichner, Roberts, Sales, Sands, Smith, Sonju, Stoker, Vance, Vincent, Wagner, Washburn, Welborn, Wilson.

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

FIRST READING AND COMMITMENT OF BILLS

HOUSE JOURNAL
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The following House bill was introduced, read first time, and referred to committee:

HB 42, introduced by Reinhart, Arntzen, Stahl, Ebinger, Grinde, Hands, MacLaren, Sands, Vance, Berry, Menahan, Bennett, Driscoll, Becker, Hamilton, Reichner referred to Local Government.

MOTIONS

Rep. Kottel moved that we reconsider actions taken on **SB 249** on the 78th Legislative Day, April 9th, 2009. Motion requires simple majority vote. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Bennett, Berry, Boniek, Brown, Butcher, Campbell, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Henry, Himmelberger, Hoven, Howard, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Roundstone, Sesso, Smith, Stahl, Taylor, Vance, Wagner, Warburton.

Total 57

Nays: B. Beck, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, French, Hands, Hawk, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hunter, Kasten, Lake, MacLaren, Malek, McAlpin, Menahan, Mendenhall, Pomnichowski, Reichner, Reinhart, Roberts, Sales, Sands, Sonju, Steenson, Stoker, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Peterson moved to take **SB 425** from the Fish, Wildlife, and Parks Committee and be placed on 2nd reading on the 80th Legislative Day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Campbell, French, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 55

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Menahan, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Wednesday, April 15, 2009. Motion carried.

House adjourned at 3:56 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
EIGHTIETH LEGISLATIVE DAY**

Helena, Montana
April 15, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Sales. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman): 4/15/2009
SB 303, be concurred in. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman): 4/15/2009
HJR 38, be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 457**
Report No. 0, April 15, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 457** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 457** (reference copy -- salmon) be amended as follows:

1. Page 2, line 18.

Following: "~~AND~~"

Insert: "and"

2. Page 2, line 19.

Strike: ";"

Insert: "."

3. Page 2, line 20.

Strike: subsection (9) in its entirety

For the Senate:

Branae, Chairman
Black
Esp

For the House:

MacDonald, Chairman
Berry
Ebinger
Vance

MESSAGES FROM THE SENATE

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

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4/14/2009

HB 2, introduced by Sesso

HB 9, introduced by Hollenbaugh

Rep. Mendenhall announced that the House Republicans will caucus for 15 minutes.

Rep. Phillips announced that the House Democrats will stand at ease.

Mr. Speaker announced that the House will recess until 1:30 p.m.

The House came to order at 1:38 p.m.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Grinde in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 42 - Senate Amendments - Representative Vincent moved Senate amendments to **HB 42** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Lake.

Total 1

HB 150 - Governor's Amendments - Representative D. Brown moved Governor's amendments to **HB 150** be concurred in. Requires a 2/3 majority vote. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr.

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Speaker.
Total 97

Nays: Wiseman.
Total 1

Excused: None.
Total 0

Absent or not voting: Mehlhoff, Vincent.
Total 2

HB 173 - Senate Amendments - Representative Hendrick moved Senate amendments to **HB 173** be concurred in.
Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Boland, Boniek, Ingraham, Kerns, Peterson, Randall, Regier, Sales, Smith.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 301 - Senate Amendments - Representative Kottel moved Senate amendments to **HB 301** be concurred in.
Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 84

Nays: Bean, Blasdel, Hendrick, Ingraham, Kasten, Lake, Mendenhall, Miller, More, Roberts, Sales, Smith, Sonju, Vincent, Wagner.
Total 15

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Excused: None.
Total 0

Absent or not voting: Welborn.
Total 1

HB 333 - Senate Amendments - Representative A. Noonan moved Senate amendments to **HB 333** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 83

Nays: Bean, Boniek, Butcher, Kerns, Lake, Peterson, Randall, Sales, Smith, Sonju, Stoker, Wagner, Washburn.
Total 13

Excused: None.
Total 0

Absent or not voting: B. Beck, Kasten, Reichner, Reinhart.
Total 4

HB 478 - Representative Campbell moved consideration of **HB 478** be placed at the bottom of the board. Motion carried.

SB 55 - Representative Fleming moved **SB 55** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson.
Total 85

Nays: Bean, Becker, Blasdel, Boniek, Butcher, Kerns, McGillvray, Miller, Randall, Vance, Wagner, Warburton, Welborn, Wiseman, Mr. Speaker.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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SB 97 - Representative Dickenson moved **SB 97** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 76

Nays: Arntzen, Bean, Bennett, Berry, Boniek, Butcher, Hawk, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, Miller, Morgan, Randall, Sales, Sonju, Stoker, Vance, Vincent, Wagner, Welborn.

Total 23

Excused: None.

Total 0

Absent or not voting: Peterson.

Total 1

SB 214 - Representative Belcourt moved **SB 214** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Berry, Blasdel, Blewett, Boland, Butcher, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: Barrett, Becker, Bennett, Boniek, Boss Ribs, Brown, Caferro, Cohenour, Henry, Kerns, MacDonald, Malek, McAlpin, Menahan, Miller, Sands, Stoker, Wagner.

Total 18

Excused: None.

Total 0

Absent or not voting: Reichner.

Total 1

SB 249 - Representative Kottel moved **SB 249** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Bennett, Berry, Boniek, Brown, Butcher, Campbell, Ebinger, Furey, Getz, Glaser, Grinde, Hamilton, Hoven, Howard, Ingraham, Jones, Kerns, Klock, Kottel, MacDonald, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Roundstone, Smith, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Mr. Speaker.

Total 53

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Nays: B. Beck, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Fleming, French, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jopek, Kasten, Lake, MacLaren, Malek, McAlpin, Menahan, Mendenhall, Miller, Pomnichowski, Reichner, Reinhart, Roberts, Sales, Sands, Sesso, Sonju, Steenson, Stoker, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman.

Total 46

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

SB 322 - Representative Roundstone moved **SB 322** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: Bennett, Boniek, Caferro, Hawk, Howard, Kasten, Kerns, Miller, Randall, Roberts, Sales.

Total 11

Excused: None.

Total 0

Absent or not voting: Arntzen, McGillvray, Vincent.

Total 3

SB 370 - Representative Milburn moved **SB 370** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bennett, Blasdel, Glaser, Grinde, Hoven, MacLaren, McChesney, McNutt, Menahan, Milburn, More, Peterson, Reichner, Stahl, Stoker, Taylor, Warburton, Washburn, Welborn.

Total 21

Nays: Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McClafferty, McGillvray, Mehlhoff, Mendenhall, Miller, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Vance, Van Dyk, Villa, Vincent, Wagner, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Excused: None.

Total 0

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Absent or not voting: Howard, O'Hara.
Total 2

Mr. Speaker assumed the chair

SB 439 - Representative Sands moved **SB 439** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.
Total 78

Nays: Bennett, Blasdel, Boniek, Brown, Butcher, Howard, Kasten, Kerns, McGillvray, Miller, More, Morgan, Nooney, Randall, Regier, Vance, Wagner.
Total 17

Excused: None.
Total 0

Absent or not voting: Jones, Mendenhall, Sales, Stahl, Wilson.
Total 5

HB 478 - Senate Amendments - Representative Grinde moved Senate amendments to **HB 478** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Bean, Butcher, Mendenhall, Miller, Peterson, Sales, Taylor.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Grinde moved the Committee of the Whole report be adopted. Report adopted as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Miller, More, Sales.
Total 3

Excused: None.
Total 0

Absent or not voting: Himmelberger, Mendenhall.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 123, as amended by the Senate, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 93

Nays: Boniek, Caferro, Morgan, Randall, Regier, Sales, Wiseman.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 670, as amended by the Senate, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake,

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MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 99

Nays: Wiseman.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 257 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Driscoll, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 57

Nays: Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, Menahan, A. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 260 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Kerns, Welborn.

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Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 263 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Berry, Howard.

Total 2

Excused: None.

Total 0

Absent or not voting: Hoven.

Total 1

SB 305, Conference Committee report, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Mendenhall, Morgan, Peterson.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 356 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Vance, Van Dyk, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 67

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Getz, Hawk, Hendrick, Himmelberger, Howard, Jones, Kasten, Kerns, Lake, MacLaren, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Sales, Sonju, Stahl, Taylor, Villa, Vincent, Wagner, Warburton, Washburn.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 404, Conference Committee report, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Howard, Stahl.

Total 2

Excused: None.

Total 0

Absent or not voting: Hollenbaugh.

Total 1

SB 418 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr.

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Speaker.
Total 84

Nays: Boniek, Himmelberger, Howard, Ingraham, Kerns, McGillvray, Mendenhall, More, Regier, Roberts, Sales, Smith, Wagner, Warburton.
Total 14

Excused: None.
Total 0

Absent or not voting: Milburn, Steenson.
Total 2

SB 460 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 95

Nays: Boniek, Morgan, Peterson, Wagner, Wiseman.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 464 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 76

Nays: Bean, B. Beck, Blasdel, Boniek, Butcher, Hendrick, Himmelberger, Ingraham, Kasten, Kerns, Lake, Mendenhall, Miller, Nooney, Randall, Regier, Reichner, Sales, Smith, Sonju, Taylor, Vance, Wagner, Warburton.
Total 24

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

SB 465 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Brown, Caferro, Pease-Lopez.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 467 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 99

Nays: Wilson.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 489 concurred in as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Boniek, Stahl.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 491 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 82

Nays: B. Beck, Boniek, Brown, Hendrick, Kasten, Kerns, Mendenhall, Miller, Morgan, Nooney, Randall, Reichner, Sales, Smith, Sonju, Vincent, Wagner.

Total 17

Excused: None.

Total 0

Absent or not voting: Hoven.

Total 1

SB 507 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson,

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Wiseman.
Total 88

Nays: Brown, Caferro, Hands, Himmelberger, Hollenbaugh, P. Noonan, Pease-Lopez, Pomnichowski, Van Dyk, Villa, Wilmer, Mr. Speaker.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 508 concurred in as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Hawk, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson.
Total 72

Nays: Ankney, Bean, P. Beck, Becker, Bennett, Boniek, Brown, Caferro, Getz, Hendrick, Henry, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Reichner, Roberts, Vincent, Wagner, Warburton, Wiseman, Mr. Speaker.
Total 27

Excused: None.
Total 0

Absent or not voting: Glaser.
Total 1

MOTIONS

Rep. Wilmer moved that her vote on **SB 257** be recorded as a '**NO**'. Motion carried.

Rep. Lake moved that **SB 241** be moved from the House Taxation Committee and be placed on 2nd reading on the 81st Legislative Day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Pomnichowski, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 51

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Reinhart, Roundstone, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Wiseman,

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Mr. Speaker.
Total 48

Excused: None.
Total 0

Absent or not voting: Howard.
Total 1

Rep. Kasten moved that **SB 344** be moved from the House Fish Wildlife and Parks Committee and be placed on 2nd reading on the 81st Legislative Day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Campbell, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 54

Nays: Augare, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 46

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Rep. Sonju move that **SB 490** be moved from the House Taxation Committee and be placed on 2nd reading on the 81st Legislative Day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Ebinger, Hawk, Hendrick, Himmelberger, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 49

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 51

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

Rep. Mendenhall moved that **SB 224** be moved from the House Appropriations Committee and be placed on 2nd reading on the 81st Legislative Day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 51

Nays: Augare, Barrett, P. Beck, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 3:09 p.m., Thursday, April 16, 2009. Motion carried.

House adjourned at 1:00 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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61ST LEGISLATURE
EIGHTY-FIRST LEGISLATIVE DAY**

Helena, Montana
April 16, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Reinhart. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker announced that the House of Representatives basketball trophy, won during the bi-annual Senate vs. House basketball game, was taken by the Senate.

Mr. Speaker appointed Representatives Kasten, Hamilton and Hendrick and asked Sgt. -at-Arms Tensley to escort them to the Senate chambers in order to retrieve the trophy.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Wilson, Chairman):
SJR 30, be amended as follows:

4/16/2009

1. Page 1, line 18.

Following: "2008"

Insert: "; and

WHEREAS, the Labor-Management Advisory Council on Workers' Compensation consisting of equal representation of the two primary workers' compensation stakeholders groups, namely management and labor, was formed in December 2006 under agency order by the Commissioner of Labor and Industry and was commissioned to identify and research the primary cost drivers in workers' compensation"

2. Page 1, line 25.

Strike: "comparisons on"

3. Page 1, line 27.

Following: "costs"

Strike: ";

Insert: ", in particular:

- (a) duration and availability of and access to medical treatments;
- (b) use of utilization and treatment guidelines and their effectiveness in other jurisdictions; and
- (c) evaluation of the impact on cost containment and access to medical treatment resulting from changes to medical fee schedules implemented by the department of labor and industry in 2007 and 2008;
- (3) research and analysis on whether Montana should include presumptions regarding occupational diseases associated with specific occupations;
- (4) recommendations on the appropriate payment of attorney fees in cases involving medical benefits;
- (5) evaluation of and recommendations on exemptions in workers' compensation."

4. Page 1, line 28 through page 2, line 2.

Strike: subsections (3) through (7) in their entirety

5. Page 2, line 4.

Following: "drivers"

Insert: "and request the Labor-Management Advisory Council on Workers' Compensation to research these areas"

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And, as amended, be concurred in. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman): 4/16/2009
SB 100, be concurred in. Report adopted.

HUMAN SERVICES (Becker, Chairman): 4/16/2009
HJR 39, do pass. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman): 4/16/2009
HJR 42, be adopted. Report adopted.

NATURAL RESOURCES (Milburn, Chairman): 4/16/2009
HJR 41, be adopted. Report adopted.

TAXATION (Lake, Chairman): 4/16/2009
HJR 37, introduced joint resolution, be amended as follows:

1. Page 1.

Following: line 12

Insert: "WHEREAS, urban renewal has provided a means for promoting economic and community development; and
WHEREAS, certain urban renewal area projects and local administrative and financial practices related to
urban renewal may be inconsistent with urban renewal provisions; and"

2. Page 1, line 14.

Strike: "has an effect on"

Insert: "affects the property tax base of"

3. Page 1, line 15.

Strike: "the" through "conducted"

Strike: "in recent years"

Insert: "would provide the Legislature with the analysis it needs to determine whether urban renewal laws could be
improved"

4. Page 1, line 24.

Strike: "financial impact"

Insert: "property tax implications"

5. Page 1, line 25.

Following: "jurisdictions"

Insert: "both during and after the term of the urban renewal area project"

6. Page 1, line 26 through line 29.

Strike: subsection (4) through subsection (5) in their entirety

Insert: "(4) evaluate the extent to which urban renewal area projects have achieved the goals of economic
development, community improvements, and expansion of the property tax base;

(5) determine whether there are instances in which urban renewal area projects and administrative and
financial practices within urban renewal areas are inconsistent with urban renewal provisions and legislative intent;

(6) research other matters related to urban renewal that may be appropriate;"

Renumber: subsequent subsections

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7. Page 2, line 1.

Strike: "how"

Insert: "whether"

Strike: "may"

Insert: "should"

And, as amended, be adopted. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

4/16/2009

HB 315, introduced by Blewett

HB 598, introduced by P. Noonan

HB 615, introduced by MacLaren

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

4/15/2009

HB 5, introduced by Sesso

HB 10, introduced by Wiseman

HB 11, introduced by Sesso

HB 128, introduced by Sesso

HB 152, introduced by Hamilton

HB 224, introduced by Hiner

HB 258, introduced by McChesney

HB 331, introduced by Morgan

HB 459, introduced by Grinde

HB 464, introduced by O'Hara

HB 645, introduced by Sesso

HB 676, introduced by Sesso

House bills concurred in and returned to the House:

4/16/2009

HB 262, introduced by Ebinger

HB 312, introduced by B. Beck

HB 575, introduced by McChesney

HB 578, introduced by Caferro

HB 629, introduced by Glaser

HB 659, introduced by Roberts

Senate joint resolutions passed and transmitted to the House for concurrence:

4/16/2009

SJR 33, introduced by Perry

SJR 36, introduced by Gebhardt

SJR 37, introduced by Essmann

SJR 38, introduced by Stewart-Peregoy

SJR 39, introduced by Brueggeman

HB 674, introduced by Vincent, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

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4/16/2009

Yeas - 28

Nays - 22

House bill not concurred in and returned to the House:

4/16/2009

HB 662, introduced by Arntzen

HB 531 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 531**:

4/16/2009

Senator Brueggeman, Chair

Senator Hinkle

Senator Windy Boy

Rep. Mendenhall announced that the House Republicans will caucus for 15 minutes.

Rep. Phillips announced that the House Democrats will stand at ease.

Mr. Speaker announced that the House will recess until 1:25 p.m.

The House came to order at 1:30 p.m.

Mr. Speaker asked Sgt.-at-Arms Tensley to escort the select committee that was appointed in order to retrieve that basketball trophy from the Senate, back into the House Chamber.

The Select Trophy Committee entered the chamber with the trophy.

The Select Committee gave an update on the score and game tally's, the House in ahead 9 games to 7.

The Select Committee was thanked and disbanded.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNutt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 457 - Conference Committee Report No. 1 - Representative MacDonald moved the Conference Committee report to **SB 457** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 65

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hollandsworth, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Nooney, Randall, Regier, Reichner, Sales, Smith, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 33

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Excused: None.
Total 0

Absent or not voting: Hoven, Sonju.
Total 2

HB 2 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 2** *not* be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Boniek, Stahl.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 38 - Representative Grinde moved **SB 38** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 82

Nays: Bean, Bennett, Brown, Glaser, Hendrick, Howard, Jones, Kerns, McGillvray, Miller, Randall, Regier, Reichner, Smith, Stoker, Taylor, Wagner.
Total 17

Excused: None.
Total 0

Absent or not voting: MacLaren.
Total 1

SB 204 - Representative French moved **SB 204** be concurred in. Motion carried as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Miller, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 68

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, More, Morgan, Nooney, Randall, Reichner, Roberts, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 264 - Representative Cohenour moved **SB 264** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 81

Nays: Boniek, Brown, Hendrick, Howard, Ingraham, Kasten, Kerns, McGillvray, Mendenhall, More, Nooney, Randall, Sales, Smith, Vance, Wagner, Warburton, Washburn, Wiseman.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 291 - Representative Reichner moved **SB 291** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Brown, Butcher, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 68

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Cohenour, Getz, Hawk, Hendrick, Howard, Kasten, Kerns, Lake,

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MacLaren, McGillvray, Milburn, Miller, Morgan, Nooney, Randall, Roberts, Sales, Smith, Sonju, Vance, Wagner.
Total 26

Excused: None.
Total 0

Absent or not voting: Boss Ribs, Caferro, Himmelberger, Hollandsworth, Reichner, Roundstone.
Total 6

SB 300 - Representative Butcher moved **SB 300** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 65

Nays: Arntzen, Bean, B. Beck, Becker, Bennett, Blasdel, Boniek, Brown, Hands, Hawk, Hendrick, Himmelberger, Hollandsworth, Ingraham, Kasten, Kerns, Lake, McClafferty, McGillvray, Mendenhall, More, Morgan, Nooney, Randall, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Vance, Vincent, Wagner, Warburton, Washburn.
Total 35

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 303 - Representative Dickenson moved **SB 303** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 55

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 44

Excused: None.
Total 0

Absent or not voting: Morgan.
Total 1

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SB 343 - Representative Taylor moved **SB 343** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Van Dyk, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 79

Nays: Ankney, B. Beck, Caferro, Hawk, Hendrick, Howard, Jones, Kasten, Kerns, Mendenhall, Morgan, Randall, Reichner, Sonju, Stoker, Vance, Villa, Vincent, Wagner, Mr. Speaker.

Total 20

Excused: None.

Total 0

Absent or not voting: Belcourt.

Total 1

SB 509 - Representative Hoven moved **SB 509** be concurred in.

SB 509 - Representative Mehlhoff moved **SB 509**, second reading copy, be amended as follows:

1. Title, page 1, line 8.

Following: "EFFECTIVE DATE"

Insert: ", "

Strike: "AND"

Following: "APPLICABILITY DATE"

Insert: ", AND A TERMINATION DATE"

2. Page 6.

Following: line 13

Insert: "NEW SECTION. Section 7. Termination. The amendment in [section 3(5)] defining "coal washing" and the amendment in [section 3(6)] revising the definition of "contract sales price" terminate July 1, 2017."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Boniek, Caferro, Howard, McGillvray, More, Randall, Regier, Reichner, Stahl, Vincent.

Total 10

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 509 - Representative Hoven moved **SB 509** as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Brown, Butcher, Campbell, Ebinger, Fleming, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.

Total 66

Nays: Barrett, P. Beck, Becker, Blewett, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, French, Furey, Grinde, Hamilton, Hands, Henry, Hunter, MacDonald, Malek, McAlpin, McClafferty, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wiseman.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 511 - Representative Fleming moved **SB 511** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Ankney, Hendrick, Kasten, McGillvray, Miller, More, Peterson.

Total 7

Excused: None.

Total 0

Absent or not voting: Arntzen, Campbell, Hiner, Jopek, A. Noonan.

Total 5

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Milburn, Morgan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 79

Nays: Bennett, Boniek, Hendrick, MacDonald, Mendenhall, Miller, More, Regier, Roberts, Stahl, Vincent, Warburton.

Total 12

Excused: None.

Total 0

Absent or not voting: Blasdel, Hands, Howard, Jones, Malek, McNutt, A. Noonan, Pease-Lopez, Wagner.

Total 9

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 33, introduced by Perry, referred to Business and Labor.

SJR 36, introduced by Gebhardt, Keane, referred to Federal Relations, Energy, and Telecommunications.

SJR 37, introduced by Essmann, referred to Taxation.

SJR 38, introduced by Stewart-Peregoy, Sands, Henry, Windy Boy, Augare, Pease-Lopez, Ankney, referred to Human Services.

SJR 39, introduced by Brueggeman, Hinkle, Wanzenried, Gillan, Laslovich, Cooney, Brueggeman, referred to Judiciary.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 42, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

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Excused: None.

Total 0

Absent or not voting: Butcher.

Total 1

HB 150, as amended by the Governor, passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson.

Total 91

Nays: Barrett, Caferro, Hands, Peterson, Sands, Sesso, Wiseman, Mr. Speaker.

Total 8

Excused: None.

Total 0

Absent or not voting: Butcher.

Total 1

HB 173, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Boniek, Ingraham, Kasten, Kerns, Mendenhall, Randall, Regier, Roberts, Sales, Smith, Wagner.

Total 11

Excused: None.

Total 0

Absent or not voting: Butcher.

Total 1

HB 301, as amended by the Governor, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Campbell,

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Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: Bean, B. Beck, P. Beck, Blasdel, Boniek, Brown, Caferro, Hendrick, Ingraham, Kasten, Lake, Mendenhall, Miller, More, Morgan, Roberts, Sales, Smith, Sonju, Vance, Vincent, Wagner.

Total 22

Excused: None.

Total 0

Absent or not voting: Butcher.

Total 1

HB 333, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 79

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Hendrick, Kerns, Lake, MacLaren, Mendenhall, Miller, Randall, Roberts, Sales, Sonju, Stoker, Vincent, Wagner, Warburton, Washburn.

Total 20

Excused: None.

Total 0

Absent or not voting: Butcher.

Total 1

HB 478, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

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Nays: Butcher, Wagner.
Total 2

Excused: None.
Total 0

Absent or not voting: Reichner.
Total 1

SB 55 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 78

Nays: Bean, Becker, Bennett, Blasdel, Boniek, Brown, Hendrick, Kasten, Kerns, MacLaren, McGillvray, Miller, More, Morgan, Randall, Roberts, Sonju, Vance, Vincent, Wagner, Warburton, Wiseman.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 97 concurred in as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 69

Nays: Ankney, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Jones, Kasten, Kerns, Lake, MacLaren, Mendenhall, Miller, Morgan, Nooney, Randall, Sales, Sonju, Vance, Vincent, Wagner, Washburn, Welborn.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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SB 214 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, MacLaren, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 79

Nays: Barrett, Becker, Bennett, Boniek, Brown, Caferro, Cohenour, Henry, Kerns, Lake, MacDonald, Malek, McAlpin, Menahan, Miller, Sands, Stoker, Wagner, Wiseman.

Total 19

Excused: None.

Total 0

Absent or not voting: Kottel, McChesney.

Total 2

SB 249 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Boniek, Butcher, Campbell, Ebinger, French, Furey, Getz, Grinde, Hoven, Howard, Ingraham, Jones, Kerns, Klock, Kottel, MacDonald, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Roundstone, Sesso, Smith, Stahl, Taylor, Villa, Vincent, Wagner, Warburton, Wilmer, Wilson, Mr. Speaker.

Total 54

Nays: Bean, B. Beck, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Cohenour, Dickenson, Driscoll, Fleming, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jopek, Kasten, Lake, MacLaren, Malek, McAlpin, Menahan, Mendenhall, Nooney, Pomnichowski, Reichner, Reinhart, Roberts, Sales, Sands, Sonju, Steenson, Stoker, Vance, Van Dyk, Washburn, Welborn, Wiseman.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 322 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands,

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Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Bennett, Boniek, Caferro, Hawk, Howard, Kasten, Kerns, Mendenhall, Miller, Randall, Sales.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 439 concurred in as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Arntzen, Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Glaser, Hendrick, Himmelberger, Hoven, Howard, Jones, Kasten, Kerns, McGillvray, Mendenhall, Miller, More, Morgan, Nooney, Randall, Regier, Sales, Vance, Vincent, Wagner, Warburton.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Rep. Kasten moved to take **SB 344** from committee and be placed on 2nd reading on the 82nd Legislative Day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Butcher, Campbell, French, Getz, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn, Mr. Speaker.

Total 54

Nays: Augare, Barrett, P. Beck, Becker, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Glaser, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Menahan, Miller, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman.

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Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Peterson moved to take **SB 425** from the Fish, Wildlife and Parks Committee and be placed on 2nd reading on the 82nd Legislative Day. Motion requires 3/5 majority vote. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Belcourt, Bennett, Berry, Boniek, Brown, Butcher, Campbell, Ebinger, French, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 62

Nays: Barrett, P. Beck, Becker, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Fleming, Furey, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, MacDonald, Malek, McAlpin, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Campbell moved that **SB 343** be moved to the Appropriations Committee. Motion carried.

Rep. Campbell moved that the Speaker be authorized to appoint a **FREE** Conference Committee on **HB 2**, and request the Senate appoint a like committee.

Mr. Speaker appoints:

Sesso, Vice Chair

Hiner

Jones

Kasten

Rep. Sales rose on a point of order to announced that it should be Rep. Hawk.

Mr. Speaker announced that the House will stand at ease at 3:09 p.m.

The House came to order 3:10 p.m.

Rep. Campbell withdrew her motion.

Rep. Campbell moved that the Speaker be authorized to appoint a **FREE** Conference Committee on **HB 2**, and request the Senate appoint a like committee.

The Speaker Appoints:

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Sesso, Vice Chair
Hiner
Jones
Hawk

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 10:00 a.m., Friday, April 17, 2009. Motion carried.

House adjourned at 3:12 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
EIGHTY-SECOND LEGISLATIVE DAY**

Helena, Montana
April 17, 2009

House Chambers
State Capitol

House convened at 10:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Wilmer. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Augare, Jones, excused. Quorum present.

Mr. Speaker introduced and thanked the pages for the week: Jake Brodsky (Helena), Megan Chansler (Lolo), Alyssa Dillon (Conrad), Lucas Matelich (Missoula), Laura Miltenberger (Clancy), Ken Patrick (Big Fork), Olivia Skari (Chester), Mauro Whiteman (Great Falls).

MESSAGES FROM THE SENATE

SB 119 - The Senate failed to concur in House amendments to **SB 119**. 4/16/2009

SB 263 - The Senate failed to concur in House amendments to **SB 263**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 263**:

4/16/2009

Senator Shockley, Chair
Senator Laible
Senator Jent

HB 418 - The Senate failed to concur in House amendments to **HB 418**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **HB 418**:

4/16/2009

Senator Brown, Chair
Senator Branae
Senator Essmann

SB 507 - The Senate failed to concur in House amendments to **SB 507**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 507**:

4/16/2009

Senator McGee, Chair
Senator Story
Senator Hamlett

MESSAGES FROM THE GOVERNOR

April 16, 2009

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Bob Bergren
Speaker of the House

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HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 17, 2009

State Capitol
Helena, MT 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 399, "**AN ACT PROVIDING CHILDREN WITH MENTAL HEALTH NEEDS WITH IN-STATE SERVICE ALTERNATIVES TO OUT-OF-STATE PLACEMENT; ESTABLISHING DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES REPORTING REQUIREMENTS REGARDING HIGH-RISK CHILDREN WITH MULTIAGENCY SERVICE NEEDS; AND AMENDING SECTION 52-2-302, MCA.**"

This bill charges the Department of Public Health and Services ("DPHHS") to vigilantly keep track of high-risk kids with multi-agency service needs, with the end objective of keeping those kids close to home under a "wraparound philosophy of care." I, and DPHHS Director Whiting-Sorrell, share these goals with you.

As written, Senate Bill 399 requires DPHHS to report its efforts to reduce out-of-state placements to the children, families, health, and human services interim committee on a quarterly basis. My amendments instead require biannual reports by DPHHS.

My understanding is that the bill's purpose is not to micromanage the care provided these children, particularly their medical care, but to establish and evaluate trends and the reasons for those trends. I offer these amendments because I do not believe it is realistic to expect significant, frequent changes in the number of out-of-state placements of children whose medical needs and treatment are extremely complex. Therefore, I believe that biannual reports will provide the interim committee with the information it needs to help it formulate policy, make future legislative decisions, and assess the status of these children and the reasons for out-of-state placements. My amendments also require DPHHS to endeavor to reduce out-of-state placements on an on-going basis.

I have discussed my amendments with the bill's sponsor, Senator Laslovich, and he has indicated his support.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

Amendments are as follows:

1. Title, line 8.

Following: "SERVICES"

Insert: "INFORMATION COLLECTION AND"

2. Page 2, line 25.

Strike: "establish quarterly reporting requirements"

Insert: "collect the following information"

3. Page 2, line 26.

Strike: "to identify"

4. Page 3, line 11.

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Strike: "Each quarterly report must analyze the efforts"

Insert: "On an ongoing basis,"

Strike: "made"

Insert: "shall attempt"

5. Page 3, line 12.

Strike: "and establish goals and objectives for improvement in the following quarter"

6. Page 3, line 13.

Strike: "provide each quarterly"

Following: "report"

Insert: "biannually"

7. Page 3, line 14.

Following: "committee"

Insert: "concerning the information it has collected under this section and the results of the efforts it has made to reduce out-of-state placements"

- END -

April 16, 2009

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 268, "**AN ACT REVISING THE LAW REQUIRING CERTAIN VEHICLES TO SECURE CERTAIN LOADS WHEN TRAVELING ON A PUBLIC HIGHWAY; AND AMENDING SECTION 61-8-370, MCA.**"

SB 268 is intended to expand the current law requiring vehicles loaded with solid waste to be secured. My amendments are intended to clarify the bill. They remove the requirement that the vehicle must be operated for a particular "purpose," so that the purpose for which the vehicle is being operated is not relevant to the requirement that the load be secured. They strike what I believe is confusing language about "solid waste" and "nonwaste items" so as to require all vehicle loads to be sufficiently secured so as to protect public safety. And they plainly specify that a commercial vehicle is exempt from the statute being amended, § 61-8-370, MCA, only so long as the commercial vehicle is operating in compliance with all other laws and requirements governing the securement of loads.

Sincerely,

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BRIAN SCHWEITZER
GOVERNOR

Amendments are as follows:

7. Page 1, line 12.

Strike: "for the purpose of transporting solid waste as defined in 75-10-203"

8. Page 1, line 13.

Strike: "and nonwaste items"

9. Page 1, line 14.

Following: "~~otherwise~~"

Insert: "load the vehicle or"

10. Page 1, line 17.

Following: "vehicle"

Insert: "that is operating in compliance with state and federal laws and requirements governing the securing of loads"

- END -

April 16, 2009

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 164, **"AN ACT EXPANDING THE GOOD NEIGHBOR POLICY TO INCLUDE RECREATIONAL LAND AND WATER ACQUIRED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR PUBLIC HUNTING, FISHING, TRAPPING, AND OUTDOOR RECREATION AND ESTABLISHING MAINTENANCE PRIORITIES FOR THAT LAND; DEFINING "MAINTENANCE" AS APPLIED TO PUBLIC RECREATIONAL LAND AND WATER; REQUIRING THAT A PERCENTAGE ABOVE THE PURCHASE PRICE OF THE DEPARTMENT'S ACQUIRED LAND OR WATER RIGHTS BE BUDGETED FOR MAINTENANCE; ESTABLISHING A MAINTENANCE ACCOUNT; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 17-7-502, 23-1-126, 23-1-127, AND 87-1-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."**

SB 164 contains a statutory appropriation from a newly created maintenance account to maintain land or water acquired by the Department of Fish, Wildlife, and Parks. Montana's statute governing statutory appropriations, § 17-7-502, MCA, contains requisites for the validity of statutory appropriations. One requirement is that the statute

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making the statutory appropriation “must specifically state that a statutory appropriation is made as provided in [17-7-502].” The bill sent to my desk for signature omitted that reference and my amendment cures this defect.

I have discussed my amendment with the sponsor of the bill, Senator Barrett, who supports the amendment.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

Amendments are as follows:

11. Page 7, line 24.

Following: "APPROPRIATED"

Insert: ", as provided in 17-7-502,"

- END -

April 3, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 483, “**AN ACT REVISING ENVIRONMENTAL LAWS RELATED TO ENERGY DEVELOPMENT PROJECTS; REVISING BOARD OF ENVIRONMENTAL REVIEW HEARING REQUEST PROCEDURES; REQUIRING A WRITTEN UNDERTAKING TO BE GIVEN BY CERTAIN PARTIES REQUESTING A HEARING OR A STAY BEFORE A COURT OR THE BOARD OF ENVIRONMENTAL REVIEW; MODIFYING THE EXPIRATION DATE REQUIREMENTS FOR A PERMIT OR LICENSE UNDER THE AIR QUALITY LAWS; CLARIFYING REMAND PROCEDURES; CLARIFYING THE USE OF BEST AVAILABLE CONTROL TECHNOLOGY REGULATIONS AND GUIDANCE; REQUIRING THAT THE BOARD OF ENVIRONMENTAL REVIEW ISSUE A FINAL DECISION WITHIN 150 DAYS UNDER THE AIR QUALITY LAWS AND THE MAJOR FACILITY SITING ACT; AMENDING SECTIONS 2-4-623, 2-4-702, 75-2-103, 75-2-211, 75-5-103, AND 75-20-223, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.**”

House Bill 483, sponsored by Representative Llew Jones, establishes specific administrative procedures for challenging permit decisions for energy development projects made by the Department of Environmental Quality

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("DEQ"). The bill covers two primary areas. First, it allows either party in a challenge action (the party challenging the DEQ decision or the party defending the decision) to elect to have the challenge decided by either the Board of Environmental Review or directly by a district court judge. Second, the bill sets up time frames under which challenges must be brought, limits the matters subject to challenge, establishes circumstances under which bonding will be required, and defines standards of review for the reviewing entity.

While detailed, my amendments are fairly straightforward and primarily for the purpose of ensuring that the complex details of the bill are fair and equal for all parties involved in a challenge. My amendments also are intended to clarify aspects of the bill that, after working its way through amendments in both houses, I believed were confusing.

In this veto message I highlight three areas that I believe constitute my most substantive amendments. First, I add to the matters that may be raised by a party in a challenge to a final permit decision any material change made by DEQ to the draft permit submitted for public comment upon which the public did not have a meaningful opportunity to comment. Second, I change certain time frames to be more workable. For example, under my amendments, the "clock" begins to run for a final agency decision from the date of the hearing on the merits, or if no hearing is held, from the date briefing by the parties is complete, rather than from the date of the initial challenge. I also include a new provision directing the Board of Environmental Review to require the parties to prepare their case for hearing without unreasonable delay. Finally, my amendments establish the reviewing standard to a "best available control technology" determination based on fact versus law. I leave intact the requirement that the DEQ decision must be given deference by the Board or a district court. Rather than the "clear and convincing" reviewing standard contained in the bill, my amendments ensure that the reviewing entity (the Board or the district court) has the power to correct the DEQ determination if it was incorrect as a matter of law. In order to correct a factual determination by DEQ, the reviewing entity must find the factual basis "clearly erroneous."

HB 483 is a technical, legally detailed bill concerning challenges to DEQ permit decisions on energy development projects, and my amendments are by necessity technical and detailed, as well. In sum, I believe they improve the bill for all parties involved in these types of legal challenges.

I ask you to join me and Rep. Jones, the bill's sponsor, in supporting my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

Amendments are as follows:

1. Title, line 9.

Strike: "CLARIFYING REMAND PROCEDURES;"

2. Title, line 10.

Strike: "REQUIRING THAT"

Insert: "ESTABLISHING DEADLINES FOR"

3. Title, line 11.

Following: "REVIEW"

Insert: "TO"

Strike: "WITHIN"

Strike: "150 DAYS"

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4. Page 1, line 23.

Strike: "the party has"

5. Page 1, line 24.

Following: "period"

Strike: "z"

Following: "FEDERAL"

Insert: "or state"

Following: "LAW"

Strike: "OR"

Insert: "made during the comment period,"

6. Page 1, line 25.

Strike: "and the"

Insert: "or to a material change to the draft permit, which was submitted for public comment, made by the department in the final permit decision and upon which the public did not have a meaningful opportunity to comment. The"

Strike: "15"

Insert: "30"

7. Page 2, line 9.

Strike: "30"

Insert: "15"

8. Page 2, line 11.

Strike: "30"

Insert: "15"

9. Page 2, line 13.

Following: "located."

Insert: "(iv)"

Strike: "the applicant or permittee fails to make an election"

Insert: "a party does not elect to submit the matter directly to district court"

Renumber: subsequent subsections

10. Page 2, line 15.

Strike: "application was filed"

Insert: "department issued its decision"

11. Page 2, lines 16 and 17.

Following: "~~evidence~~" on line 16

Strike: remainder of line 16 through "permittee" on line 17

Strike: "first"

12. Page 2, line 18.

Following: "FEDERAL"

Insert: "or state"

Following: "LAW"

Strike: "OR"

Insert: "made during the comment period,"

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13. Page 2, line 19.

Following: "PERIOD"

Insert: "or to a material change to the draft permit, which was submitted for public comment, made by the department in the final permit decision and upon which the public did not have a meaningful opportunity to comment"

14. Page 2, line 23.

Strike: "._"

15. Page 2, lines 26 through 29.

Strike: "(II)" on line 26 through "(II)" on line 29

Insert: "if"

Strike: "NOT"

16. Page 2, line 30.

Following: "CAUSE"

Insert: "unnecessary"

Strike: "; OR"

Insert: "without a reasonable basis in law or fact."

17. Page 3, line 1.

Strike: "(B) THE"

Insert: "(ii) The board or the district court may not require a written undertaking if the"

18. Page 3, lines 5 and 6.

Following: "unless" on line 5

Strike: remainder of line 5 through "filed" on line 6

Insert: "the determination was incorrect as a matter of law or the factual basis for the determination was clearly erroneous"

19. Page 3, lines 7 and 8.

Strike: "150 days" on line 7

Insert: "4 months"

Following: "from" on line 7

Strike: remainder of line 7 through "hearing" on line 8

Insert: "the close of the hearing on the merits or, if no hearing is held, within 3 months from the date that briefing by the parties is complete"

20. Page 3, line 9.

Following: "time."

Insert: "The board shall require the parties to prepare the case for hearing without unreasonable delay."

21. Page 3, lines 18 and 19.

Following: "diligence." on line 18

Strike: remainder of line 18 through "shown." on line 19

22. Page 6, line 13.

Following: "infrastructure"

Insert: ", as defined by board rule,"

23. Page 12, line 16.

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Following: "directly"

Insert: "and"

24. Page 14, line 3.

Following: "infrastructure"

Insert: ", as defined by board rule,"

25. Page 18, line 17.

Strike: " _"

26. Page 18, line 20 through line 23.

Strike: "(2)" on line 20 through "(II)" on line 23

Insert: "if"

Strike: "NOT"

27. Page 18, line 23.

Following: "CAUSE"

Insert: "unnecessary"

28. Page 18, line 24.

Strike: " ; OR"

Insert: "without a reasonable basis in law or fact."

29. Page 18, line 25.

Strike: "(B) THE"

Insert: "(2) The district court may not require a written undertaking if the"

30. Page 19, line 7.

Strike: "FEDERAL"

Strike: "OR"

Insert: "made during the comment period,"

Strike: "and the"

Insert: "or to a material change to the draft permit, which was submitted for public comment, made by the department in the final permit decision and upon which the public did not have a meaningful opportunity to comment. The"

31. Page 19, line 8.

Strike: "15"

Insert: "30"

32. Page 19, line 19.

Strike: "30"

Insert: "15"

33. Page 19, line 21.

Strike: "30"

Insert: "15"

34. Page 19, line 25.

Strike: "application was filed"

Insert: "department issued its decision"

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35. Page 19, lines 26 and 27.

Following: "party" on line 26

Strike: remainder of line 26 through "permittee" on line 27

Strike: "first"

36. Page 19, line 28.

Following: "period"

Insert: "unless the issue is related to a material change in law made during the comment period, to a judicial decision issued after the comment period, or to a material change to the draft permit, which was submitted for public comment, made by the department in the final permit decision and upon which the public did not have a meaningful opportunity to comment"

37. Page 20, line 6 through line 7.

Following: "120" on line 6

Strike: remainder of line 6 through "section" on line 7

Insert: "4 months from the close of the hearing on the merits or, if no hearing is held, within 3 months from the date that briefing by the parties is complete"

- END -

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Steenson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 98 - Governor's Amendments - Representative Di. Barrett moved Governor's amendments to **HB 98** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 70

Nays: Bennett, Blasdel, Boniek, Brown, Hawk, Hendrick, Himmelberger, Howard, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner.
Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 5 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 5** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Boniek, Brown, Randall, Sales, Wagner.

Total 5

Excused: None.

Total 0

Absent or not voting: Roundstone, Washburn.

Total 2

HB 645 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 645** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 73

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Randall, Regier, Reichner, Sales, Smith, Sonju, Taylor, Wagner, Warburton.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 676 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 676** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth,

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Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Boniek, Brown, Butcher, Kerns, Kottel, Lake, More, Randall, Wagner.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 3 - Senate Amendments - Representative Ankney moved Senate amendments to **HB 3** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Vance, Van Dyk, Villa, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 67

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Dickenson, Hawk, Hendrick, Hoven, Howard, Ingraham, Kasten, Kerns, Kottel, Lake, Milburn, Miller, Morgan, Randall, Regier, Reichner, Sales, Smith, Stahl, Stoker, Taylor, Wagner, Warburton, Washburn, Welborn.
Total 33

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 4 - Senate Amendments - Representative Jones moved Senate amendments to **HB 4** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 79

Nays: Bennett, Boniek, Hendrick, Howard, Kasten, Kerns, Kottel, McGillvray, Mendenhall, Miller, More, Randall,

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Smith, Stoker, Taylor, Vance, Wagner.
Total 17

Excused: None.
Total 0

Absent or not voting: Morgan, Regier, Sales, Sonju.
Total 4

HB 6 - Senate Amendments - Representative McNutt moved Senate amendments to **HB 6** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: Hendrick, Ingraham, More, Vance.
Total 4

Excused: None.
Total 0

Absent or not voting: Mendenhall.
Total 1

HB 7 - Senate Amendments - Representative McNutt moved Senate amendments to **HB 7** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 85

Nays: Boniek, Hendrick, Ingraham, Kerns, Lake, McGillvray, More, Randall, Sales, Smith, Stoker, Wagner, Warburton.
Total 13

Excused: None.
Total 0

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Absent or not voting: Sonju, Washburn.
Total 2

HB 8 - Senate Amendments - Representative McNutt moved Senate amendments to **HB 8** be concurred in. Requires 3/4 adoption of each House. Motion carried as follows, and proceeds to 3rd reading:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 73

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Hendrick, Howard, Ingraham, Kasten, Kerns, Kottel, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Sales, Smith, Sonju, Taylor, Vance, Vincent.
Total 25

Excused: None.
Total 0

Absent or not voting: Ankney, Stoker.
Total 2

HB 9 - Senate Amendments - Representative Hollenbaugh moved Senate amendments to **HB 9** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Washburn, Wilson, Wiseman, Mr. Speaker.
Total 67

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Hawk, Hendrick, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Reichner, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.
Total 32

Excused: None.
Total 0

Absent or not voting: Wilmer.
Total 1

HB 10 - Senate Amendments - Representative Wiseman moved Senate amendments to **HB 10** be concurred in. Requires 2/3 adoption of each House. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown,

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Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 69

Nays: B. Beck, Bennett, Berry, Blasdel, Boniek, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton.
Total 30

Excused: None.
Total 0

Absent or not voting: Stoker.
Total 1

HB 11 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 11** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 83

Nays: Arntzen, Boniek, Hendrick, Howard, Ingraham, Kerns, Mendenhall, Miller, More, Morgan, Randall, Sales, Smith, Sonju, Villa, Vincent, Wagner.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 110 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 110** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson,

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Wiseman, Mr. Speaker.
Total 83

Nays: B. Beck, Bennett, Berry, Blasdel, Boniek, Hendrick, Kerns, Miller, Randall, Regier, Reichner, Sales, Smith, Sonju, Vincent, Wagner.
Total 16

Excused: None.
Total 0

Absent or not voting: Belcourt.
Total 1

HB 128 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 128** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 87

Nays: Bennett, Boniek, Hawk, Hendrick, Kasten, Kerns, Miller, Morgan, Randall, Sales, Taylor, Wagner.
Total 12

Excused: None.
Total 0

Absent or not voting: Hamilton.
Total 1

HB 224 - Senate Amendments - Representative Hiner moved Senate amendments to **HB 224** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 79

Nays: Bean, Bennett, Berry, Boniek, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Miller, More, Morgan, Randall, Sales, Smith, Vance, Vincent, Wagner.
Total 20

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Excused: None.
Total 0

Absent or not voting: Belcourt.
Total 1

HB 258 - Senate Amendments - Representative McChesney moved Senate amendments to **HB 258** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 73

Nays: Arntzen, Bean, Blasdel, Boniek, Brown, Butcher, Caferro, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Milburn, Miller, More, Morgan, Randall, Roberts, Sales, Smith, Taylor, Vance, Wagner.
Total 26

Excused: None.
Total 0

Absent or not voting: Stahl.
Total 1

HB 315 - Senate Amendments - Representative Blewett moved Senate amendments to **HB 315** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 88

Nays: Arntzen, Barrett, Bean, P. Beck, Brown, Butcher, Caferro, Howard, Kerns, Lake, Smith, Wagner.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 583 - Senate Amendments - Representative Fleming moved Senate amendments to **HB 583** be concurred in.

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Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: Blasdel, Boniek, Brown, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, Morgan, Randall, Stoker, Villa, Wagner.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 100 - Representative Berry moved **SB 100** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.

Total 93

Nays: Bean, Caferro, Cohenour, Hands, Morgan, Wilmer, Wiseman.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 425 - Representative K. Peterson moved **SB 425** be concurred in.

SB 425 - Representative Cohenour moved **SB 425** be amended as follows:

1. Title, line 5.

Following: "HATCHERY;"

Insert: "REQUIRING DEVELOPMENT OF A HATCHERY OPERATION AND MAINTENANCE PLAN;"

2. Title, line 5 through line 6.

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Strike: "REPEALING" on line 5 through "MCA;" on line 6

3. Title, line 6.

Following: "PROVIDING"

Insert: "AN IMMEDIATE"

Following: "EFFECTIVE"

Strike: "DATES"

Insert: "DATE"

4. Page 2, line 2 through line 3.

Following: "87-3-236" on line 2

Strike: remainder of line 2 through "ACCOUNT," on line 3

5. Page 2, line 6.

Insert: "(5) (a) In order to more efficiently operate and maintain the Fort Peck multispecies fish hatchery and other state hatcheries for the benefit of the Montana angling public, the department shall create a statewide hatchery plan. The plan must be developed with input from the general public and from interested public fishing promotion groups. The plan must include at a minimum:

(i) operation and maintenance goals associated with the Fort Peck multispecies fish hatchery and all other state

hatcheries and the projected costs to achieve those goals;

(ii) species and numbers of fish to be raised at the Fort Peck multispecies fish hatchery and other state hatcheries and projected stocking sites for all hatchery fish;

(iii) available existing scientific assessments of the needs of the fishery or species in question; and

(iv) planning and funding options for all state hatcheries.

(b) The department shall report to the commission and to the 62nd legislature regarding the statewide hatchery plan, including possible legislation necessary to fulfill the goals of the plan."

6. Page 2, line 7 through page 3, line 3.

Strike: section 2 through section 3 in their entirety

Renumber: subsequent section

7. Page 3, line 5.

Strike: "(1) Except as provided in subsection (2), [this]"

Insert: "[This]"

8. Page 3, line 7.

Strike: subsection (2) in its entirety

SB 425 - Rep. Sales moved a substitute motion to segregate item 2 from the amendment and move item 2 as a separate amendment.

SB 425 - Mr. Speaker moved to pass consideration on **SB 425** for the day. Motion carried.

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed.

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Mr. Speaker in the chair. Chairman Steenson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 74

Nays: Bennett, French, Hawk, Hendrick, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Miller, Peterson, Sales, Smith, Vincent, Wagner, Wilson.

Total 17

Excused: Augare, Jones.

Total 2

Absent or not voting: Brown, Himmelberger, More, Nooney, Sonju, Steenson, Washburn.

Total 7

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 38 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Bean, Bennett, Kerns, McGillvray, Miller, Randall, Regier, Smith, Wagner, Welborn.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 204 passed as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 64

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Randall, Reichner, Roberts, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 264 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 77

Nays: Bean, Bennett, Boniek, Brown, Hendrick, Howard, Ingraham, Kasten, Kerns, McGillvray, Mendenhall, More, Morgan, Randall, Reichner, Sales, Smith, Stahl, Vance, Wagner, Warburton, Wiseman.

Total 22

Excused: None.

Total 0

Absent or not voting: McChesney.

Total 1

SB 291 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boss Ribs, Brown, Butcher, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 74

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Nays: Bean, B. Beck, Bennett, Blasdel, Boland, Boniek, Caferro, Cohenour, Hawk, Hendrick, Howard, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Miller, More, Randall, Roberts, Sales, Smith, Sonju, Vance, Wilson.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 300 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 67

Nays: Bean, B. Beck, Becker, Bennett, Blasdel, Boniek, Brown, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, MacLaren, McGillvray, Mendenhall, More, Morgan, P. Noonan, Nooney, Randall, Reichner, Sales, Smith, Sonju, Vance, Villa, Vincent, Wagner, Warburton, Washburn.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 303 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 56

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 44

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

SB 457 Conference Committee report, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 67

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Hollandsworth, Hoven, Howard, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Randall, Regier, Reichner, Smith, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 509 passed as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Ebinger, French, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.

Total 70

Nays: Barrett, P. Beck, Becker, Blewett, Caferro, Cohenour, Dickenson, Driscoll, Fleming, Furey, Grinde, Hamilton, Hands, Henry, Hunter, MacDonald, Malek, McAlpin, McClafferty, Menahan, A. Noonan, P. Noonan, Pomnichowski, Roberts, Roundstone, Sands, Sesso, Villa, Wilmer, Wiseman.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 511 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller,

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Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 95

Nays: McGillvray, Mendenhall, More, Peterson, Wagner.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **SB 263** and request the senate to appoint a like committee.

<u>Senate Appoints:</u>	<u>The Speaker Appoints</u>
Sen. Shockley, Chair	Rep. Getz, Vice-Chair
Sen. Liable	Rep. Menahan
Sen. Jent	Rep. Nooney
	Rep. Peterson

Rep. Campbell moved that the Speaker be authorized to appoint a **FREE** Conference Committee on **SB 507** and request the senate to appoint a like committee.

<u>Senate Appoints:</u>	<u>The Speaker Appoints</u>
Sen. McGee, Chair	Rep. Cohenour, Vice-Chair
Sen. Story	Rep. Barrett
Sen. Hamlett	Rep. Lake
	Rep. Stahl

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **SB 418** and request the senate to appoint a like committee.

<u>Senate Appoints:</u>	<u>The Speaker Appoints</u>
Sen. T. Brown, Chair	Rep. Cohenour, Vice-Chair
Sen. Branae	Rep. Barrett
Sen. Essmann	Rep. Lake
	Rep. Taylor

Rep. Campbell moved that the Speaker be authorized to appoint a **FREE** Conference Committee on **HB 645** and request the senate to appoint a like committee.

<u>Senate Appoints:</u>	<u>The Speaker Appoints</u>
Sen. , Chair	Rep. Sesso, Vice-Chair
Sen.	Rep. Hiner
Sen.	Rep. McNutt

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Rep. Morgan

Rep. Campbell moved that the Speaker be authorized to appoint a **FREE** Conference Committee on **HB 5** and request the senate to appoint a like committee.

<u>Senate Appoints:</u>	<u>The Speaker Appoints</u>
Sen. , Chair	Rep. Hollenbaugh, Vice-Chair
Sen.	Rep. Getz
Sen.	Rep. Kasten
	Rep. Ankney

Rep. Campbell moved that the Speaker be authorized to appoint a **FREE** Conference Committee on **HB 676** and request the senate to appoint a like committee.

<u>Senate Appoints:</u>	<u>The Speaker Appoints</u>
Sen. , Chair	Rep. Sesso, Vice-Chair
Sen.	Rep. Villa
Sen.	Rep. Hawk
	Rep. Jones

Rep. Campbell moved that the Speaker be authorized to appoint a **FREE** Conference Committee on **HB 3** and request the senate to appoint a like committee.

<u>Senate Appoints:</u>	<u>The Speaker Appoints</u>
Sen. , Chair	Rep. Hollenbaugh, Vice-Chair
Sen.	Rep. Melhoff
Sen.	Rep. Ankney
	Rep. Jones

MOTIONS

Rep. Nooney moved to take **SB 402** from the House Judiciary Committee and be placed on 2nd reading on the 83rd Legislative Day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.
Total 49

Nays: Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 49

Excused: Augare, Jones.
Total 2

Absent or not voting: None.
Total 0

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Rep. Malek moved that her vote be changed to a '**NO**' vote on **SB 509**. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HJR 43, introduced by Wiseman, Williams, Essmann, P. Beck, Boland, D. Brown, Getz, McChesney, Cohenour, Steenson, referred to Taxation.

ANNOUNCEMENTS

Rep. Himmelberger rose on a point of order to propose that the House read a rule each day of session in order to keep the body's minds fresh about House rules. He then proceeded to read a rule.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:00 p.m., Saturday, April 18, 2009. Motion carried.

House adjourned at 11:44 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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61ST LEGISLATURE
EIGHTY-THIRD LEGISLATIVE DAY**

Helena, Montana
April 18, 2009

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Bennett. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Boniek, McAlpin, Nooney, Villa, excused. Quorum present.

Mr. Speaker introduced that Honorary pages for today:

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman): 4/18/2009
SB 343, be concurred in. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman): 4/18/2009
SB 498, be amended as follows:

1. Title, page 1, line 18.

Following: "82-11-111,"

Insert: "82-11-118,"

2. Page 2.

Following: line 21

Insert: "(3) If the ownership of the geologic storage reservoir cannot be determined from the deeds or severance documents related to the property by reviewing statutory or common law, it is presumed that the surface owner owns the geologic storage reservoir."

3. Page 3, line 4.

Following: "pursuant to"

Insert: "[section 5(2)(b)] and"

4. Page 3, line 5.

Following: "(1)"

Insert: "of this section"

5. Page 3, line 6 through line 7.

Strike: ", to" on line 6 through "82-11-136(2)" on line 7

6. Page 3, line 14.

Following: "the"

Insert: "stored"

7. Page 3, line 16.

Strike: "4(7)"

Insert: "4(8)"

8. Page 3, line 17.

Following: the second "the"

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Insert: "injected or stored"
Strike: "contained in the reservoir"

9. Page 3.

Following: line 19

Insert: "(3) For the purposes of [section 4] and this section, "title" includes title to the geologic storage reservoir and the stored carbon dioxide."

10. Page 5, line 3.

Following: "BOARD"

Strike: "MAY"

Insert: ": (a) shall"

Following: "(4)"

Insert: "of this section"

11. Page 5, line 4.

Strike: "·"

12. Page 5, line 5.

Strike: "(A)"

13. Page 5, line 6.

Following: "(B)"

Insert: "may, pursuant to 82-11-111, adopt"

14. Page 5, line 7.

Strike: "10"

Insert: "15"

15. Page 5, line 11.

Strike: "IS REASONABLY EXPECTED TO"

Insert: "will"

16. Page 5, line 19.

Strike: "BE UNLIKELY TO"

Insert: "not"

17. Page 5, line 21.

Strike: "10"

Insert: "15"

18. Page 5, line 28.

Strike: ", IN" through "OPERATOR,"

19. Page 5, line 29.

Strike: "MONITOR"

Insert: "ensure adequate monitoring by the operator of"

Strike: "10"

Insert: "15"

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20. Page 6, line 1.

Following: "(7)(C)."

Insert: "if"

Following: "OPERATOR"

Insert: "has title to the geologic storage reservoir and the stored carbon dioxide, the geologic storage operator"

21. Page 6, line 3 through line 4.

Following: "SHOW"

Strike: ", TO" on line 3 through "BOARD." on line 4

22. Page 6, line 6.

Strike: "IS REASONABLY EXPECTED TO"

Insert: "will"

23. Page 6, line 10 through line 11.

Strike: lines 10 and 11

Insert: "(ii) The board shall make a recommendation to the board of land commissioners as to whether title should transfer to the state.

(iii) Notwithstanding subsections (7)(c)(i) and (7)(c)(ii), the board of land commissioners shall make the final decision on the transfer of title."

24. Page 6, line 15.

Following: "THE"

Insert: "geologic storage reservoir and the"

25. Page 6, line 18.

Following: "RESERVOIR"

Insert: "and the stored carbon dioxide"

26. Page 6, line 20.

Following: "RESERVOIR"

Insert: "and the stored carbon dioxide"

27. Page 6, line 22.

Following: "RESERVOIRS"

Insert: "and stored carbon dioxide"

28. Page 6, line 28.

Strike: "10"

Insert: "15"

29. Page 6, line 30.

Strike: "(7)"

Insert: "(8)"

30. Page 7, line 1.

Following: "[SECTION 2(1)]"

Insert: "or [section 5(2)(b)]"

31. Page 7, line 7.

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Following: "(2)"

Insert: "(a)"

32. Page 7, line 8.

Following: "wells."

Insert: "The rules must be in accordance with all application, permitting, and regulatory requirements for carbon dioxide injection wells pursuant to this part.

(b) The rules must include provisions for a fee to be paid by the owner of a converted well in an amount equivalent to the fee required to be paid by a geologic storage operator pursuant to [section 2(1)]."

33. Page 7, line 10.

Following: "chapter"

Insert: ", including requirements for bonding or other surety, the issuance of a certificate of completion, and acceptance or transfer of liability"

34. Page 11, line 2.

Following: "within"

Insert: "the boundaries of"

35. Page 16, line 8.

Strike: "fluids"

Insert: "carbon dioxide"

36. Page 17, line 2.

Following: "(12)"

Insert: "(a)"

37. Page 17, line 3.

Strike: "oil and gas"

Insert: "vacant or filled"

38. Page 17.

Following: line 4

Insert: "(b) The term does not include a natural gas storage reservoir. However, the owner of a natural gas storage reservoir may convert a depleted natural gas storage reservoir into a geologic storage reservoir to be used pursuant to Title 82, chapter 11, parts 1 and 2."

39. Page 19, line 23.

Following: "82-11-123"

Strike: ";

Insert: ". If a permit for a carbon dioxide injection well is revoked, an operator may not seek a refund of application or permitting fees or fees paid pursuant to [section 2] or [section 5(2)(b)]."

40. Page 20, line 18.

Strike: "For"

Insert: "Solely for"

Following: "wells"

Insert: "under this part"

Following: the second "dioxide"

Insert: "within a geologic storage reservoir"

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41. Page 20.

Following: line 19

Insert: "Section 15. Section 82-11-118, MCA, is amended to read:

"82-11-118. Fees for processing applications. (1) The board shall establish a fee schedule to defray the expenses incurred for processing an application from a geologic storage operator or an operator or producer of oil seeking approval of a new or expanded enhanced recovery project, as defined in 15-36-303. The fee must be paid by the owner, geologic storage operator, or operator seeking approval of the project.

(2) The board shall, by rule, determine the amount of the fee based on the complexity of processing the application.""

Renumber: subsequent sections

42. Page 21, line 9 through line 10.

Strike: "carbon dioxide storage properties"

Insert: "geologic storage reservoirs"

43. Page 22, line 6.

Strike: "4(7)"

Insert: "4(8)"

44. Page 22, line 7 through line 8.

Strike: "and" on line 7 through "completion" on line 8

45. Page 22, line 27.

Strike: "and"

Insert: "(e) adequate baseline monitoring of drinking water wells within 1 mile of the perimeter of the geologic storage reservoir; and"

46. Page 22, line 28.

Strike: "(e)"

Insert: "(f)"

47. Page 24, line 7 through line 8.

Strike: "and" on line 7 through "[SECTION 2]" on line 8

48. Page 28, line 19.

Strike: "4(7)"

Insert: "4(8)"

49. Page 29, line 14.

Strike: "25"

Insert: "26"

50. Page 29, line 17.

Strike: "26"

Insert: "27"

Strike: "29"

Insert: "30"

And, as amended, be concurred in. Report adopted.

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SB 475, be amended as follows:

1. Page 2.

Following: line 10

Insert: "COORDINATION SECTION. Section 4. Coordination instruction. If both House Bill No. 425 and [this act] are passed and approved, then [section 1] of House Bill No. 425 and [section 1 of this act] are void and [section 1] must read as follows:

"NEW SECTION. Section 1. Notice of lease sale required. (1) Within 15 days of the previous oil and gas lease sale, the department shall publish the date and place of the upcoming sale in a publication of general circulation in Montana and on the department's website.

(2) (a) The department shall accept nominations of tracts for an upcoming sale until 77 days prior to the date of the sale.

(b) Upon receipt of a nomination by the department, the location of the tracts is public information.

(3) At least twice, the department shall publish in a publication of general circulation in Montana and on the department's website a notice containing the time and place of the sale, a statement that all sales will be by competitive oral bidding, and the number of tracts in each county offered for sale at the time of the notice. The notice must be published:

(a) not less than 63 days before the date of an upcoming sale; and

(b) between 21 days and 35 days before the date of the sale.

(4) In a publication of general circulation in each county where a tract is nominated for sale, the department shall publish a notice in compliance with the provisions and timeframes of subsection (3), except that each notice must contain the number of tracts nominated for sale in that county and notice that a description and maps of tracts nominated are available on the department's website.

(5) The department shall publish on its website a description and maps of tracts to be offered for sale.

(6) (a) Except as provided in subsection (6)(b), the department shall provide notice by first-class mail to the surface owner of a tract being offered for sale using the most current known property owners of record as shown in the records of the county clerk and recorder of the county where the tract is located.

(b) The notice in subsection (6)(a) is not required if the surface is managed by the department pursuant to Title 77, chapter 1.

(7) The notice required by subsection ~~(5)~~ (6) must contain the time and place of the sale, a statement that all sales will be by competitive oral bidding, and a description and area map of each tract offered for sale that initiated the notice requirements of subsection (6)."

"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Stoker, Chairman):

4/18/2009

HJR 40, be adopted. Report adopted.

TAXATION (Lake, Chairman):

4/18/2009

SJR 37, be concurred in. Report adopted.

HJR 43, do pass. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 486**
Report No. 0, April 17, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 486** (reference copy --

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salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 486** (reference copy -- salmon) be amended as follows:

1. Title, lines 9 and 10.

Strike: "PROVIDING" on line 9 through "REGULATIONS;" on line 10

Following: "COMPLIANCE WITH" on line 10

Insert: "CERTAIN"

2. Title, lines 15 and 16.

Strike: "PROVIDING" on line 15 through "NOT BE" on line 16

Insert: "ESTABLISHING WHEN A PARK DEDICATION MAY BE"

3. Title, line 17.

Strike: "76-2-113,"

4. Title, line 20.

Following: "DATE"

Insert: "AND APPLICABILITY DATES"

5. Page 8, line 6 through line 22.

Strike: sections 6 and 7 in their entirety

Renumber: subsequent sections

6. Page 11, line 3.

Following: "PLACES"

Insert: ", including but not limited to public buildings and adjacent to public rights-of-way,"

7. Page 12, line 14.

Strike: "(3)(c)"

Insert: "(3)"

8. Page 13, line 14.

Strike: "The"

Insert: "For the purposes of enforcing subsections (1)(a) through (1)(c), the"

9. Page 25, line 21.

Following: "(e)"

Insert: "except as provided in subsection (8),"

10. Page 27, line 1 through line 3.

Strike: subsection (8) in its entirety

Insert: "(8) (a) A local governing body may, at its discretion, require a park dedication for:

(i) a subsequent minor subdivision as described in 76-3-

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609(3); or

(ii) a first minor subdivision from a tract of record as described in 76-3-609(2) if:

(A) the subdivision plat indicates development of condominiums or other multifamily housing;

(B) zoning regulations permit condominiums or other multifamily housing; or

(C) any of the lots are located within the boundaries of a municipality.

(b) A local governing body that chooses to require a park dedication shall specify in regulations the circumstances under which a park dedication will be required."

11. Page 28, line 9 through line 11.

Strike: section 26 in its entirety

Renumber: subsequent sections

12. Page 28, line 15.

Following: "APPLICABILITY."

Insert: "(1)"

Strike: "15, 22, AND 24"

Insert: "13, 20, and 22"

13. Page 28, line 17.

Strike: "15"

Insert: "13"

14. Page 28.

Following: line 17

Insert: "(2) [Section 2] applies upon adoption of a new growth policy or upon revision of an existing growth policy.

(3) [Section 21] applies upon revision of subdivision regulations or on December 31, 2010, whichever occurs first."

For the Senate:

Gillan, Chairman

Esp

Tutvedt

For the House:

Reinhart, Vice Chair

Ebinger

MacLaren

Vance

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 531**
Report No. 0, April 17, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 531** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 531** (reference copy -- salmon) be amended as follows:

1. Page 2, line 10 through line 13.

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Strike: section 3 in its entirety
Renumber: subsequent section

For the Senate:

Brueggeman, Chairman
Hinkle
Windy Boy

For the House:

Kottel, Vice Chair
Nooney
Phillips
Sonju

FREE CONFERENCE COMMITTEE
on Senate Bill 348
Report No. 0, April 17, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 348** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 348** (reference copy -- salmon) be amended as follows:

1. Page 1, line 24.

Following: "budget session"

Insert: "of not more than 45 days"

2. Page 1, line 26.

Strike: "to increase or decrease an appropriation or"

Insert: "that appropriates money or a bill"

3. Page 1, line 29 through line 30.

Strike: "primarily" on line 29 through "reconciliation" on line 30

Insert: "a general session"

4. Page 2, line 11 through line 14.

Strike: line 11 through line 14 in their entirety

Insert: "[] FOR splitting the current 90-day legislative session into two annual sessions with one budget session and one general session.

[] AGAINST splitting the current 90-day legislative session into two annual sessions with one budget session and one general session."

For the Senate:

Essmann, Chairman
Williams
Black

For the House:

Wilmer, Vice Chair
Mendenhall
Himmelberger
Malek

MESSAGES FROM THE SENATE

Senate joint resolution passed and transmitted to the House for concurrence:

4/17/2009

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SJR 35, introduced by Schmidt

House amendments to Senate bills concurred in:

4/17/2009

SB 131, introduced by Williams
SB 176, introduced by Perry
SB 260, introduced by Gillan
SB 271, introduced by Squires
SB 369, introduced by Esp
SB 403, introduced by Gebhardt
SB 460, introduced by Story
SB 465, introduced by Hamlett
SB 467, introduced by Balyeat
SB 489, introduced by Essmann
SB 491, introduced by Lewis
SB 508, introduced by Brueggeman

House bills concurred in and returned to the House:

4/17/2009

HB 655, introduced by Belcourt
HB 656, introduced by Stahl
HB 657, introduced by Stahl

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

4/17/2009

HB 636, introduced by Dickenson
HB 658, introduced by Jopek
HB 662, introduced by Arntzen
HB 669, introduced by Vincent
HB 678, introduced by Pomnichowski

Governor's amendments to House bill concurred in and returned to the House:

4/17/2009

HB 55, introduced by Hawk

Conference Committee Report No.1 adopted:

4/17/2009

SB 48, introduced by Essmann
SB 305, introduced by Tutvedt
SB 310, introduced by Shockley
SB 404, introduced by Brueggeman
SB 457, introduced by Branae

Free Conference Committee Report No.1 adopted:

4/17/2009

SB 427, introduced by Laslovich

House joint resolution not concurred in and returned to the House:

4/17/2009

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HJR 31, introduced by McGillvray

HB 2 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 2**:

4/17/2009

Senator Bales, Chair
Senator Lewis
Senator Schmidt

MESSAGES FROM THE GOVERNOR

April 17, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 85, "**AN ACT CREATING A GRANT PROGRAM FOR EMERGENCY MEDICAL SERVICE PROVIDERS; ESTABLISHING ELIGIBILITY REQUIREMENTS AND REVIEW CRITERIA; CREATING A GRANT REVIEW COMMITTEE; AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES; PROVIDING A CONTINGENT APPROPRIATION; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE**" for the following reasons.

My amendments to House Bill 85 accomplish two things. First, the bill establishes a small grant program to spend \$1 million each year of the biennium for emergency service providers. The bill contains a coordination section to provide funding either through House Bill 2 or through House Bill 85, itself. If funded through House Bill 2, the Department of Transportation can use either federal or state special revenue funds to pay for the grants. My first amendment would provide the same option if funding comes through House Bill 85. In other words, it provides flexibility to allow the Montana Department of Transportation to use federal money, to the extent it is available, for the grants, not only state money from the highway nonrestricted account.

My second amendment would eliminate the grant review committee established in the bill. It consists of 10 members and, according to the fiscal note, is anticipated to cost the program \$70,000 each year of the biennium. I would rather see that money go directly to the emergency medical service providers.

I have discussed my proposed amendment with the sponsor of the bill, Rep. Sands, who supports the amendment.

Sincerely,

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BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 85

2. Title, lines 6 and 7.

Following: "CRITERIA;" on line 6

Strike: remainder of line 6 through "COMMITTEE;" on line 7

3. Page 1, line 22.

Strike: "8"

Insert: "7"

4. Page 1, line 26.

Strike: "8"

Insert: "7"

5. Page 5, line 10.

Strike: ", using the review process provided for in [sections 4 and 5],"

6. Page 5, line 11.

Following: "basis"

Insert: "using the criteria contained in [section 4]"

7. Page 5, line 13.

Strike: "8"

Insert: "7"

8. Page 5, line 15 through page 6, line 3.

Strike: section 4 in its entirety

Renumber: subsequent sections

9. Page 6, lines 5 and 6.

Following: "applications" on line 5

Strike: remainder of line 5 through "and" on line 6

10. Page 6, line 14 through line 16.

Following: "department" on line 14

Strike: remainder of line 14 through "award" on line 16

Insert: "denies an application for a grant, the applicant"

11. Page 6, line 22.

Strike: "8"

Insert: "7"

12. Page 6, line 24.

Strike: subsection (a) in its entirety

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Renumber: subsequent subsections

13. Page 6, line 25.

Strike: "5"

Insert: "4"

14. Page 6, line 26.

Strike: "as recommended by the grant review committee"

15. Page 6, lines 27 and 28.

Strike: "as" on line 27 through "committee" on line 28

16. Page 9, line 5.

Following: "INSTRUCTION."

Insert: "(1)"

17. Page 9.

Following: line 9

Insert: "(2) The department of transportation is authorized to decrease the contingent appropriation from the highway nonrestricted account in subsection (1) and there is appropriated from the federal special revenue fund the amount of money appropriated in subsection (1) if federal funds are available for the purposes of [this act]."

18. Page 9, line 14.

Strike: "8"

Insert: "7"

19. Page 9, line 16.

Strike: "8"

Insert: "7"

20. Page 9, line 26.

Strike: "8"

Insert: "7"

- END -

April 17, 2009

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Story and Speaker Bergren:

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In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 235, **“AN ACT EXPANDING THE EXEMPTION FROM LICENSING AS A PSYCHOLOGIST TO INCLUDE PSYCHOLOGICAL TESTING, EVALUATION, AND ASSESSMENT BY QUALIFIED MEMBERS OF OTHER PROFESSIONS; CLARIFYING THAT THE QUALIFIED MEMBERS OF OTHER PROFESSIONS INCLUDE LICENSED PROFESSIONAL COUNSELORS; AND AMENDING SECTIONS 37-17-104 AND 37-23-102, MCA.”**

SB 235, as passed by the legislature, expands the list of those who are authorized to do “work of a psychological nature” without being licensed by the Board of Psychologists. It includes professional counselors licensed under Title 37, chapter 23, MCA. Under the bill, professional counselors would be allowed to perform psychological testing, evaluation, and assessment as described in § 37-17-102(4)(b), MCA.

As written, the bill authorizes this practice if it is consistent with the training of the professional counselors. However, there is no direction as to who or what entity determines whether a professional counselor has received adequate training or what training is considered to be adequate. My amendment would require the Board of Social Work Examiners and Professional Counselors to promulgate rules that articulate the minimum standards of education and training required for their licensees to be authorized to conduct psychological testing. I believe that such standards are necessary and appropriate, and would ensure that consumers of mental health services receive the safe care they deserve and expect from a professional licensed by the State of Montana

I have discussed the amendment with the bill’s sponsor, Senator Murphy.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 235

1. Page 2.

Following: line 8

Insert: "(3) The board of social work examiners and professional counselors shall adopt rules that qualify a licensee under Title 37, chapter 22 or 23, to perform psychological testing, evaluation, and assessment. The rules for licensed clinical social workers and professional counselors must be consistent with the guidelines of their respective national associations. Final rules must be adopted by October 1, 2010. A qualified licensee providing services under this exemption shall comply with the rules no later than 1 year from the date of adoption of the rules."

- END -

April 17, 2009

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

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The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 290, **“AN ACT REQUIRING THE ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE TO REVIEW THE STATE ENERGY POLICY EACH INTERIM AND RECOMMEND CHANGES TO THE LEGISLATURE; AMENDING SECTIONS 90-4-1001 AND 90-4-1003, MCA; REPEALING SECTION 90-4-1002, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.”**

SB 290 amends the statutory duties of the energy and telecommunications interim committee and establishes specific duties for the 2009-10 interim to be used in devising a revised state energy policy. My amendment adds to the list of issues to be studied by the committee and included in a revised policy the integration of wind energy, a key renewable resource for Montana’s energy and economic future.

I have discussed my amendment with the sponsor of the bill, Senator Jackson, who supports the amendment.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 290

21. Page 2, line 19.

Strike: "AND"

22. Page 2, line 20.

Following: "costs"

Insert: "; and
(ix) integrating wind energy"

-END-

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SJR 35, introduced by Schmidt, referred to Human Services.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the

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following manner:

HB 4, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 76

Nays: Bennett, Blasdel, Brown, Hendrick, Howard, Kasten, Kerns, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Randall, Regier, Sales, Smith, Sonju, Taylor, Vance, Wagner, Warburton.

Total 22

Excused: Boniek, Villa.

Total 2

Absent or not voting: None.

Total 0

HB 6, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Hendrick, Howard, Ingraham, Kasten, McGillvray, Mendenhall, Miller, More, Morgan, Smith, Vance.

Total 11

Excused: Boniek, Villa.

Total 2

Absent or not voting: None.

Total 0

HB 7, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara,

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Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 83

Nays: Bean, Hendrick, Howard, Ingraham, Kasten, Kerns, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Sales, Smith, Wagner.
Total 15

Excused: Boniek, Villa.
Total 2

Absent or not voting: None.
Total 0

HB 8, as amended by the Senate. Motion requires 3/4 majority of each House, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 84

Nays: Bennett, Blasdel, Hendrick, Howard, Ingraham, Kerns, Mendenhall, Miller, More, Morgan, Randall, Sales, Smith, Sonju.
Total 14

Excused: Boniek, Villa.
Total 2

Absent or not voting: None.
Total 0

HB 9, as amended by the Senate, passed as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 61

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Hawk, Hendrick, Howard, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 37

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Excused: Boniek, Villa.
Total 2

Absent or not voting: None.
Total 0

HB 10, as amended by the Senate. Motion requires 2/3 majority of each House, **failed** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 63

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.
Total 35

Excused: Boniek, Villa.
Total 2

Absent or not voting: None.
Total 0

HB 11, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 82

Nays: Bean, Bennett, Hendrick, Howard, Ingraham, Kasten, Kerns, Mendenhall, Miller, More, Morgan, Randall, Sales, Smith, Sonju, Vincent.
Total 16

Excused: Boniek, Villa.
Total 2

Absent or not voting: None.
Total 0

HB 98, as amended by the Governor, passed as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 67

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Hendrick, Howard, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 31

Excused: Boniek, Villa.

Total 2

Absent or not voting: None.

Total 0

HB 110, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: B. Beck, Bennett, Berry, Hendrick, Howard, Kerns, Mendenhall, Miller, More, Randall, Regier, Sales, Smith, Stahl, Vincent, Wagner, Welborn.

Total 17

Excused: Boniek, Villa.

Total 2

Absent or not voting: Reichner.

Total 1

HB 128, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Vance, Van Dyk, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

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Total 77

Nays: Bean, Bennett, Blasdel, Brown, Hendrick, Howard, Kasten, Kerns, Lake, Mendenhall, Miller, Morgan, Randall, Roberts, Sales, Smith, Sonju, Taylor, Vincent, Wagner, Warburton.

Total 21

Excused: Boniek, Villa.

Total 2

Absent or not voting: None.

Total 0

HB 224, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 71

Nays: Bean, Bennett, Berry, Blasdel, Brown, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Sales, Smith, Sonju, Stahl, Vance, Vincent, Wagner, Warburton, Welborn.

Total 26

Excused: Boniek, Villa.

Total 2

Absent or not voting: Hoven.

Total 1

HB 258, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 75

Nays: Bean, Blasdel, Butcher, Caferro, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Roberts, Sales, Smith, Vance, Wagner, Warburton.

Total 23

Excused: Boniek, Villa.

Total 2

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Absent or not voting: None.
Total 0

HB 315, as amended by the Senate, passed as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 88

Nays: Arntzen, Bean, Brown, Butcher, Kerns, Lake, Morgan, Roberts, Sales, Wagner.
Total 10

Excused: Boniek, Villa.
Total 2

Absent or not voting: None.
Total 0

HB 583, as amended by the Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Taylor, Vance, Van Dyk, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 71

Nays: Bean, Berry, Blasdel, Brown, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Miller, More, Morgan, Peterson, Randall, Roberts, Sales, Smith, Sonju, Stoker, Vincent, Wagner, Welborn.
Total 27

Excused: Boniek, Villa.
Total 2

Absent or not voting: None.
Total 0

Rep. Sales rose on a point of order to ask that his vote was not recorded for **HB 11**, and he would like to be recorded as a '**NO**' vote.

Rep. Sales rose on a point of order to announced that **HB 10** did not get a 2/3 majority and Mr. Speaker announced that it had passed the House but it did in fact fail.

Rep. Wiseman rose to clarify that **HB 10**, which failed, requires a 2/3 majority vote.

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Rep. Sesso asked that we reconsider actions on **HB 10** during motions.

MOTIONS

Rep. Sesso moved to reconsider actions on **HB 10** and that it be placed on 3rd reading. Motion requires a simple majority. Motion carried as follows:

YEAS: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 62

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Hawk, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 35

Excused: Boniek, McAlpin, Nooney.

Total 3

Absent or not voting: None.

Total 0

Rep. Reinhart moved that her vote be recorded for **SB 509** as a 'NO' vote. Motion carried.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNutt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 483 - Governor's Amendments - Representative Jones moved Governor's amendments to **HB 483** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Lake, Mendenhall, Miller, More.

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Total 4

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

HB 152 - Senate Amendments - Representative Hamilton moved Senate amendments to **HB 152** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 71

Nays: B. Beck, Bennett, Blasdel, Boniek, Butcher, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.

Total 28

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

HB 331 - Senate Amendments - Representative Morgan moved Senate amendments to **HB 331** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: B. Beck, Blasdel, Boniek, Brown, Butcher, Hendrick, Himmelberger, Randall, Regier, Reichner, Sales, Sonju, Stahl.

Total 13

Excused: Nooney.

Total 1

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Absent or not voting: None.
Total 0

HB 459 - Senate Amendments - Representative Grinde moved Senate amendments to **HB 459** be concurred in.
Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 81

Nays: Boniek, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Sales, Smith, Vance, Wagner, Warburton.
Total 18

Excused: Nooney.
Total 1

Absent or not voting: None.
Total 0

HB 464 - Senate Amendments - Representative O'Hara moved Senate amendments to **HB 464** be concurred in.
Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 85

Nays: B. Beck, Boniek, Caferro, Hawk, Hendrick, Ingraham, Kerns, Lake, Mendenhall, Miller, Morgan, Sales, Sonju, Vincent.
Total 14

Excused: Nooney.
Total 1

Absent or not voting: None.
Total 0

HJR 32 - Representative Ebinger moved **HJR 32** be adopted. Motion carried as follows:
Yeas: Augare Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell,

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Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 57

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Randall, Regier, Reichner, Roberts, Sales, Smith, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 42

Excused: Nooney.

Total 1

Absent or not voting: None.

Total 0

HJR 37 - Representative Arntzen moved **HJR 37** be adopted. Motion carried as follows:

Yeas: Arntzen, Barrett, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Reinhart, Roundstone, Sands, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Wilmer, Wilson, Wiseman.

Total 64

Nays: Ankney, Augare, Bean, B. Beck, P. Beck, Bennett, Boniek, Brown, Butcher, Caferro, Hawk, Hendrick, Hollenbaugh, Ingraham, Kasten, Kerns, Lake, McGillvray, Miller, More, Phillips, Regier, Roberts, Sales, Sesso, Smith, Stoker, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 34

Excused: Nooney.

Total 1

Absent or not voting: Reichner.

Total 1

HJR 38 - Representative Ingraham moved **HJR 38** be adopted. Motion **failed** as follows:

Yeas: Arntzen, Barrett, Becker, Berry, Blewett, Boland, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hoven, Hunter, Ingraham, MacDonald, MacLaren, Malek, McAlpin, McChesney, McNutt, Menahan, Milburn, More, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Villa, Wilmer.

Total 41

Nays: Ankney, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Campbell, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hollenbaugh, Howard, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, McClafferty, McGillvray, Mehlhoff, Mendenhall, Miller, Morgan, A.

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Noonan, P. Noonan, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.
Total 57

Excused: Nooney.
Total 1

Absent or not voting: Caferro.
Total 1

HJR 39 - Representative P. Noonan moved **HJR 39** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 62

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, Morgan, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 37

Excused: Nooney.
Total 1

Absent or not voting: None.
Total 0

HJR 41 - Representative Pomnichowski moved **HJR 41** be adopted. Motion **failed** as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Menahan, More, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 49

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, Morgan, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 50

Excused: Nooney.
Total 1

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Absent or not voting: None.
Total 0

HJR 42 - Representative Reinhart moved **HJR 42** be adopted. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 53

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 46

Excused: Nooney.
Total 1

Absent or not voting: None.
Total 0

Mr. Speaker resumed the chair.

SB 425 - Representative Peterson moved **SB 425** be concurred.

SB 425 - Representative Cohenour moved **SB 425**, second reading copy, be amended as follows:

1. Title, page 1, line 5 through line 6.

Strike: "REPEALING" on line 5 through "MCA;" on line 6

2. Title, page 1, line 6.

Following: "PROVIDING"

Insert: "AN IMMEDIATE"

Strike: "DATES"

Insert: "DATE"

3. Page 2, line 7 through page 3, line 3.

Strike: section 2 through section 3 in their entirety

Renumber: subsequent section

4. Page 3, line 5.

Strike: "(1)" through "[this" on line 5

Insert: "[This"

5. Page 3, line 7.

Strike: subsection (2) in its entirety

Amendment **failed** as follows:

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Yeas: P. Beck, Blasdel, Blewett, Boland, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Hamilton, Hands, Hiner, Hollenbaugh, Jopek, MacLaren, McAlpin, McClafferty, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sales, Sesso, Sonju, Steenson, Vance, Van Dyk, Villa, Wilmer, Wilson, Wiseman.

Total 36

Nays: Ankney, Arntzen, Augare, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Boss Ribs, Brown, Butcher, Campbell, French, Getz, Glaser, Grinde, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Roberts, Sands, Stahl, Stoker, Taylor, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 57

Excused: Boniek, Nooney.

Total 2

Absent or not voting: Barrett, Furey, Hoven, Malek, Smith.

Total 5

SB 425 - Representative Phillips moved **SB 425**, second reading copy, be amended as follows:

1. Page 1, line 25.

Following: "muskellunge,"

Insert: "and"

2. Page 1, line 26.

Strike: ", and bait fish, including cisco (*Coregonus artedii*)"

3. Page 2, line 22.

Following: "muskellunge,"

Insert: "and"

4. Page 2, line 23.

Strike: ", and bait fish, including cisco (*Coregonus artedii*)"

Amendment **failed** as follows:

Yeas: Barrett, P. Beck, Blewett, Boland, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Hamilton, Hands, Hiner, Hollenbaugh, Jopek, MacLaren, Malek, McAlpin, McClafferty, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Sales, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman.

Total 35

Nays: Ankney, Arntzen, Augare, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boss Ribs, Brown, Butcher, Campbell, French, Getz, Glaser, Grinde, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Sands, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 63

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Excused: Boniek, Nooney.
Total 2

Absent or not voting: None.
Total 0

SB 425 - Representative K. Peterson moved **SB 425** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Boniek, Boss Ribs, Brown, Butcher, Campbell, Driscoll, Ebinger, French, Getz, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, Morgan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Randall, Reichner, Roberts, Roundstone, Sands, Smith, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 61

Nays: Barrett, P. Beck, Blasdel, Blewett, Boland, Caferro, Cohenour, Dickenson, Fleming, Furey, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Jopek, MacLaren, Malek, McAlpin, McClafferty, Menahan, More, A. Noonan, Phillips, Pomnichowski, Regier, Reinhart, Sales, Sesso, Sonju, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman.
Total 36

Excused: Nooney.
Total 1

Absent or not voting: Hiner, Stahl.
Total 2

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 89

Nays: Menahan, Miller, Sales, Van Dyk, Vincent, Wiseman.
Total 6

Excused: Boniek, McAlpin, Nooney.
Total 3

Absent or not voting: Mendenhall, Stahl.
Total 2

MESSAGES FROM THE GOVERNOR

HOUSE JOURNAL
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April 18, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 557, **“AN ACT DIRECTING THE BOARD OF ENVIRONMENTAL REVIEW TO ADOPT RULES FOR THE APPROVAL OF REGIONAL PUBLIC WATER SUPPLY SYSTEMS; AMENDING SECTION 75-6-103, MCA; AND PROVIDING AN APPLICABILITY DATE.”**

House Bill 557, sponsored by Representative Tony Belcourt, directs the Board of Environmental Review to adopt rules pertaining to the Department of Environmental Quality's review of regional water systems under the statutes governing public water supplies. The bill directs the Board to establish procedures that take into account the special needs of regional water systems that result from the length of time it takes to complete the construction of these systems.

In addition to the amendments dealing with those special needs, House Bill 557 directs the Board to set review periods for plans and specifications for regional water systems at 40 calendar days for the initial review and 10 working days for subsequent reviews. This differs from the review periods contained in the current rules adopted by the Board for all systems, which are 60 calendar days for the initial review and 60 calendar days for subsequent reviews. While the Department of Environmental Quality can comply with the 40-day period for initial reviews and still meet its deadlines for other systems, the 10-working day timeframe for subsequent reviews is one that the Department cannot assure me can be met. My amendment would give the Department 20 working days for subsequent reviews. This amendment will still provide an expedited review of regional water systems while ensuring that the Department of Environmental Quality can comply with its regulatory deadlines.

I ask you to work with me and with Representative Belcourt in supporting the proposed amendment.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 557

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1. Page 1, line 26.

Strike: "10"

Insert: "20"

- END -

MOTIONS

Rep. Campbell moved that the Speaker be authorized to appoint a **FREE** Conference Committee on **HB 331** and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. Grinde, Vice Chair

Rep. Hamilton

Rep. Morgan

Rep. Klock

Rep. Sales moved that his vote on **HB 6** be changed to a '**NO**'. Motion carried.

SPECIAL ORDERS OF THE DAY

Rep. Himmelberger read a House rule **H40-230**.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Monday, April 20, 2009. Motion carried.

House adjourned at 9:56 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
EIGHTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
April 20, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Hamilton. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Boniek, excused. Quorum present.

Mr. Speaker introduced the pages for the week:

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 152 as amended by Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 70

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 459 as amended by Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll,

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Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 81

Nays: Bennett, Boniek, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, More, Morgan, Peterson, Randall, Sales, Smith, Stahl, Vance, Wagner.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 464 as amended by Senate, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 84

Nays: Bennett, Boniek, Brown, Caferro, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, Miller, Morgan, Sales, Smith, Sonju, Vincent.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 483 as amended by Senate, passed as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 94

Nays: Blewett, Driscoll, Hands, Henry, Reinhart, Wiseman.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 32 adopted as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 61

Nays: Ankney, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Hawk, Hendrick, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Randall, Regier, Reichner, Roberts, Sales, Smith, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

HJR 37 adopted as follows:

Yeas: Ankney, Arntzen, Barrett, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Reinhart, Roundstone, Sales, Sands, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 65

Nays: Augare, Bean, B. Beck, P. Beck, Bennett, Boniek, Brown, Butcher, Caferro, Hawk, Hendrick, Hollandsworth, Hollenbaugh, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Phillips, Pomnichowski, Regier, Reichner, Roberts, Sesso, Smith, Stoker, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 39 adopted as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 63

Nays: Ankney, Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Milburn, Miller, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Washburn, Welborn.

Total 37

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HJR 42 adopted as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 54

Nays: Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 45

Excused: None.

Total 0

Absent or not voting: Ankney.

Total 1

SB 100 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 94

Nays: Caferro, Cohenour, Morgan, Pomnichowski, Reinhart, Wiseman.

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Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 425 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Campbell, Driscoll, French, Getz, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 66

Nays: Barrett, P. Beck, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Ebinger, Fleming, Furey, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, MacLaren, Malek, McAlpin, McClafferty, Menahan, More, Phillips, Pomnichowski, Reinhart, Sales, Sesso, Van Dyk, Villa, Wilmer, Wilson, Wiseman.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MESSAGES FROM THE GOVERNOR

April 18, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Robert Story

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HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 20, 2009

President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 533, "**AN ACT ADDING VEHICULAR HOMICIDE WHILE UNDER THE INFLUENCE AS A CRIME FOR WHICH A YOUTH 16 YEARS OF AGE OR OLDER MAY BE CHARGED AS AN ADULT IN DISTRICT COURT; AND AMENDING SECTION 41-5-206, MCA**" for the following reasons.

House Bill 533 adds the crime of vehicular homicide while under the influence to the list of crimes for which a youth 16 years of age or older can be charged as an adult. Unlike most of the crimes for which a youth may be charged as an adult, the crime of vehicular homicide involves the commission of a negligent not an intentional act. A youth who commits this crime has obviously made bad decisions, but is not, in all likelihood, a bad kid. When I consider the consequences of this bill, I do not believe that deterrence will be among them. I believe that the only real consequence is that the punishment will be more severe. More importantly, I am not convinced that trying this youth as an adult will produce better results in terms of rehabilitating the youth than treatment and punishment through the youth court.

I respectfully ask that you sustain my veto of House Bill 533 for the reasons stated above.

Sincerely,

BRIAN SCHWEITZER
Governor

April 19, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Bergren and President Story:

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HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 20, 2009

Yesterday, April 18, 2009, I issued a veto of House Bill 533 and returned it to the House of Representatives with a letter stating the reasons for my veto. My veto statement asked that you sustain my veto for the reasons in the letter. I discovered today that the letter also unintentionally stated that I was returning the bill with amendments. I offered no amendments to the bill, and I am writing today to clarify yesterday's letter. Please also be advised that my attorney returned the bill to the Clerk of the House yesterday, and at the time of the return, both my attorney and the Clerk signed a written acknowledgment that the bill was delivered to the House with the reasons for my veto.

I am writing to clarify the written veto message. Thank you.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

April 18, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 536, **"AN ACT REVISING IGNITION INTERLOCK DEVICE REQUIREMENTS; AMENDING SECTIONS 61-8-442 AND 61-8-733, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"** for the following reasons.

I have proposed these amendments at the request of the Department of Justice. Changes made by the Senate to sections 1 and 2 of the bill (to §§ 61-8-442 and 61-8-733, MCA), resulted in an incompatibility between those criminal statutes and § 61-5-208, MCA, an administrative statute

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enforced by the Motor Vehicle Division governing drivers license suspensions and issuance of probationary drivers' licenses. The amendments cure the incompatibility. Additionally, the amendments sought by the Department of Justice ensure that Montana's laws are consistent with federal requirements, particularly those enacted by Congress in 2008 governing sanctions for repeat intoxicated drivers.

Finally, the amendments also reinstate the requirement contained in current law that a repeat offender is responsible for paying for the costs of leasing, installing, and maintaining the interlock device. It appears those current requirements were unintentionally eliminated when the Senate amended the bill.

Combined, I believe these amendments retain the intent of the Legislature to require interlock devices on any vehicle driven by a second or subsequent offender during any probationary drivers' license period.

I have discussed these amendments with the sponsor of the bill, Representative Malek, who supports the amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 536

1. Title, line 6.

Following: "SECTIONS"

Insert: "61-5-208,"

Following: "61-8-442"

Insert: ", "

Strike: "AN IMMEDIATE"

2. Title, line 7.

Strike: "EFFECTIVE DATE AND"

3. Page 1, line 10.

Insert: "Section 1. Section 61-5-208, MCA, is amended to read:

"61-5-208. Period of suspension or revocation -- limitation on issuance of

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probationary license -- notation on driver's license. (1) The department may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways, except as permitted by law.

(2) (a) Except as provided in 61-2-302, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked may not have the license, endorsement, or privilege renewed or restored until the revocation or suspension period has been completed.

(b) When a person is convicted or forfeits bail or collateral not vacated for a first offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or for a first offense of operation of a motor vehicle by a person with alcohol concentration of 0.08 or more, the department shall, upon receiving a report of conviction or forfeiture of bail or collateral not vacated, suspend the driver's license or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the department shall suspend the license or driving privilege of the person for a period of 1 year and may not issue a probationary license during the period of suspension, unless the person completes at least 45 days of the 1-year suspension and the report of conviction includes a recommendation from the court that a probationary driver license be issued subject to the requirements of 61-8-442. If the 1-year suspension period passes and the person has not completed a chemical dependency education course, treatment, or both, as ordered by the sentencing court, the license suspension remains in effect until the course, treatment, or both, are completed.

(c) For the purposes of subsection (2)(b), a person is considered to have committed a second, third, or subsequent offense if fewer than 5 years have passed between the date of an offense that resulted in a prior conviction and the date of the offense that resulted in the most recent conviction.

(3) (a) Except as provided in subsection (3)(b), the period of suspension or revocation for a person convicted of any offense that makes mandatory the suspension or revocation of the person's driver's license commences from the date of conviction or forfeiture of bail.

(b) A suspension commences from the last day of the prior suspension or revocation period if the suspension is for a conviction of driving with a suspended or revoked license.

(4) If a person is convicted of a violation of 61-8-401 or 61-8-406 while operating a commercial motor vehicle, the department shall suspend the person's driver's license as provided in 61-8-802.

(5) (a) A driver's license that is issued after a license revocation to a person described in subsection (5)(b) must be clearly marked with a notation that conveys the term of the person's probation restrictions.

(b) The provisions of subsection (5)(a) apply to a license issued to a person for whom a court has reported a felony conviction under 61-8-731, the judgment for which has as a condition of probation that the person may not operate a motor vehicle unless:

- (i) operation is authorized by the person's probation officer; or
- (ii) a motor vehicle operated by the person is equipped with an ignition interlock

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device.""

Renumber: subsequent sections

4. Page 1, line 19.

Following: "shall"

Insert: " :

(a) if recommending that a probationary license be issued to the person,"

5. Page 1, line 21.

Following: "PERIOD"

Strike: "OR"

Insert: "and require the person to pay the reasonable cost of leasing, installing, and maintaining the device; or

(b)"

6. Page 2, line 12.

Following: "shall"

Insert: " :

(a) if recommending that a probationary license be issued to the person,"

7. Page 2, line 13.

Following: "PERIOD"

Strike: "OR"

Insert: "and require the person to pay the reasonable cost of leasing, installing, and maintaining the device; or

(b)"

8. Page 2, line 30.

Strike: line 30 in its entirety

Renumber: subsequent sections

- END -

April 18, 2009

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

HOUSE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 20, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 400, **"AN ACT LIMITING DISMISSALS IN JUSTICES' COURT; AMENDING SECTION 25-31-409, MCA; AND REPEALING SECTION 25-33-207, MCA"** for the following reasons.

Senate Bill 400 limits dismissals in justice court in two instances. In the first instance, a dismissal would be disallowed for nonservice of a summons or failure to proceed while a summons remains valid. The second concerns a dismissal for failure to file an undertaking when a matter is appealed from justice court.

My amendment addresses the second area involving undertakings. Appeals from justice court require the filing of an undertaking, which may not exceed twice the amount of the judgment or value of the property when the judgment is for the recovery of personal property. Claims brought in justice court may not exceed \$7,000 in value.

Current law contains two contradictory provisions concerning the dismissal of actions from justice court for failure to file an undertaking. Section 25-33-207, MCA, which is repealed under Senate Bill 400, allows a party to file the undertaking any time at or before the hearing on a motion to dismiss the appeal. Section 25-33-208, MCA, subjects the action to dismissal for failure of the party to file an undertaking within 10 days after filing a notice of appeal. My proposed amendment repeals the latter provision, not the former, as proposed in the bill. Under my amendment, a party could cure the failure to file an undertaking up to the time of the hearing on a motion to dismiss. I believe the mandatory remedy of dismissal of an action for failure to file an undertaking within 10 days is unfairly harsh.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

GOVERNOR'S AMENDMENTS
TO SENATE BILL 400

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1. Title, line 5.

Strike: "25-33-207"

Insert: "25-33-208"

2. Page 1, line 17.

Strike: "25-33-207"

Insert: "25-33-208"

- END -

April 18, 2009

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 371, **"AN ACT REVISING THE DEFINITION OF "EMPLOYEE" OR "WORKER" WITH RESPECT TO WORKERS' COMPENSATION LAWS; CLARIFYING INJURIES THAT MAY NOT BE CONSIDERED AS ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT; AMENDING SECTIONS 39-71-118 AND 39-71-407, MCA; AND PROVIDING AN EFFECTIVE DATE"** for the following reasons.

Senate Bill 371 defines certain injuries that do not arise out of and in the course and scope of employment for purposes of workers' compensation coverage. To my understanding, one of the major questions that arose during the deliberations over Senate Bill 371 was whether and to what extent the newly enacted definition changes coverage now available under current rulings by the Montana Supreme Court and generally recognized principles in workers' compensation law. I have reviewed the bill and discussed it with representatives from the Montana Department of Labor and Industry who specialize in this area. My amendments seek to clarify that the bill codifies current legal principles and standards in the area of workers' compensation law.

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Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 371

1. Page 1, line 9 through line 14.

Strike: line 9 through line 14 in their entirety

Insert: "WHEREAS, the Montana Legislature finds it necessary to provide more certainty and seeks to codify a definition of injuries that do not arise out of and in the course and scope of employment and that is consistent with current rulings of the Montana Supreme Court and generally recognized principles in workers' compensation law."

- END -

April 19, 2009

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 446, "**AN ACT REVISING HOSPITAL LAWS TO PROVIDE LICENSING REQUIREMENTS FOR SPECIALTY HOSPITALS; REQUIRING AN IMPACT STUDY BEFORE A SPECIALTY HOSPITAL IS LICENSED; REQUIRING PAYMENT NONDISCRIMINATION AND CHARITY CARE POLICIES FOR HOSPITALS; REQUIRING HOSPITALS TO ENSURE 24-HOUR EMERGENCY CARE; AMENDING SECTIONS 50-5-101 AND 50-5-245, MCA; AND PROVIDING AN EFFECTIVE DATE**" for the following reasons.

Senate Bill 446, sponsored by Senator Story, effectively lifts the moratorium on specialty hospitals in Montana and establishes application and licensure requirements for specialty

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hospitals. As you know, specialty hospitals are a subclass of hospitals exclusively engaged in the treatment of patients with a cardiac condition, an orthopedic condition, or cancer-related diseases. Unlike community hospitals, specialty hospitals serve a “niche” market, and there has been a fair amount of research and debate as to the overall impact specialty hospitals have on health care costs to Americans, one area of focus being that specialty hospitals do not serve indigent patients to the same extent as community hospitals.

Senate Bill 446 seeks to address these policy concerns by including prohibitions on hospital discrimination based on a patient’s ability to pay. The bill also requires all hospitals, including specialty hospitals to have a charity care policy consistent with the tax status of the hospital.

My amendments alter the charity care policy requirements by requiring specialty hospitals to have a written charity care policy irrespective of the hospital’s tax status. While I recognize that under the bill, a specialty hospital applying as a joint venture with a nonprofit hospital must have the same charity care policy as the nonprofit, my amendment will ensure that a charity care policy is in place for all specialty hospitals.

I ask for your support.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 446

1. Page 8, line 28.

Strike: "A"

Insert: "Except as provided in subsection (3), a"

2. Page 9, line 5.

Insert: "(3) A specialty hospital must have in writing a charity care policy consistent with industry standards for nonprofit hospitals irrespective of the tax status of the specialty hospital."

- END -

April 18, 2009

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The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 158, **"AN ACT INCREASING THE NUMBER OF DISTRICT COURT JUDGES; PROVIDING FOR ADDITIONAL JUDGES IN THE 1ST, 11TH, AND 13TH JUDICIAL DISTRICTS TO BE ELECTED AT THE NOVEMBER 2010 GENERAL ELECTION; AMENDING SECTION 3-5-102, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE"** for the following reasons.

As passed by the Legislature, Senate Bill 158 adds three new district court judges – located in the first, eleventh, and thirteenth judicial districts – to be elected in November 2010 and begin their terms of office on January 3, 2011. While the need for additional judges is clear, so too, are the limits of our financial capacity during these financially challenging times. The amendments I propose would delay the effective date of this legislation by four years. They seek to achieve the balance of bringing a greater level of judicial services, but to do so when the state's economy has rebounded and our revenue picture has improved.

I ask for your support of my amendments to Senate Bill 158.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 158

1. Title, line 8.
Strike: "2010"
Insert: "2014"

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2. Page 1, line 28.

Strike: "2010"

Insert: "2014"

Strike: "3, 2011"

Insert: "5, 2015"

3. Page 1, line 30 through page 2, line 2.

Strike: section 3 in its entirety

Renumber: subsequent section

4. Page 2, line 5.

Strike: "2010"

Insert: "2014"

- END -

April 18, 2009

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 171, "**AN ACT CREATING THE OFFENSE OF DAMAGE TO RENTAL PROPERTY; PROVIDING A PENALTY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE**" for the following reasons.

Senate Bill 171 creates the criminal offense of damage to rental property for damage exceeding \$500 over the damage deposit, if any, or if no deposit exists, exceeding \$500. Violation of the offense carries a fine of up to \$1000 and/or 6 months in jail. Additionally, a judge is required to order restitution, though the judge has discretion as to the amount.

My amendments do three things. First, under the bill presented to me, the acts of destroying, defacing, damaging, impairing, or removing a part of the rental property constitute conduct

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falling within the criminal offense created under the bill. My amendment eliminates the act of “removal” of a part of the property as something that falls within the definition of the criminal offense. “Removal” of property is a category more similar to theft, and I believe should be prosecuted as such.

Second, my amendment lowers the maximum fine that can be imposed under this criminal offense from \$1,000 to \$500. This amendment will have the effect of limiting jurisdiction of a prosecution of the offense to justice court and eliminating the concurrent jurisdiction that district courts have over offenses punishable by a fine exceeding \$500. *See* §3-10-303, MCA. I ask you to keep in mind that a prosecutor is still free to exercise his or her discretion to bring criminal mischief charges for the same conduct under § 45-6-101, MCA, violation of which carries a fine of up to \$1,000. Under the criminal mischief statute, if the pecuniary loss exceeds \$1,000, felony charges can be brought.

Third, my amendment removes the restitution provisions from the bill. Criminal procedures already contain provision for the imposition of restitution by judges, and those provisions are flexible and well-established. *See* §§ 46-18-201(5) and 46-18-241 to -249, MCA. I don’t believe it is necessary to enact specific restitution provisions for this newly created offense, which may differ from the general restitution provisions applicable to all crimes.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 171

1. Page 1, line 12.

Following: "damages"

Insert: "or"

Following: "impairs"

Strike: ", or removes"

2. Page 1, line 18.

Strike: "\$1,000"

Insert: "\$500"

3. Page 1, lines 23 through 28.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

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- END -

April 18, 2009

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 360, **"AN ACT GENERALLY REVISING THE MONTANA MAJOR FACILITY SITING ACT; CLARIFYING THE DEFINITION OF "FACILITY"; AMENDING SECTION 75-20-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"** for the following reasons.

Senate Bill 360 revises the Major Facility Siting Act primarily by exempting from the Act geothermal plants of 50 megawatts or less and certain upgrades of transmission lines outside existing right-of-way. My amendment addresses the latter subject.

The Major Facility Siting Act currently exempts new transmission lines of 10 miles or less and upgrades within existing easements or right-of-ways, regardless of length. Senate Bill 360 exempts from Siting Act review upgrades outside existing easements or right-of-ways so long as the new portion does not exceed 10 miles in length, or is not 10% of the existing transmission right-of-way, whichever is greater.

My amendment limits the upgrade exemption to only those upgrades of existing line requiring 10 miles or less of new right-of-way. As stated, the 10 mile exemption is the same as that given construction on new transmission lines under § 75-20-104(8)(a)(i), MCA. Thus, construction of new lines and upgrades of existing lines outside existing right-of-ways would be subject to the same permitting standards.

I ask for your support of this amendment.

Sincerely,

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BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 360

1. Page 3, lines 3 and 4.

Following: "LENGTH" on line 3

Strike: Remainder of line 3 through "GREATER" on line 4

-END-

April 18, 2009

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 396, "**AN ACT PROVIDING AN EXEMPTION FOR A REPLACEMENT APPROPRIATION FOR A WATER RIGHT FOR CERTAIN CHANGES IN POINTS OF DIVERSION; AND AMENDING SECTION 85-2-402, MCA**" for the following reasons.

Senate Bill 396, sponsored by Senator Robert Story, enables a water appropriator to change an existing point of diversion without prior approval of the Department of Natural Resources and Conservation ("DNRC"), under certain conditions. Present law requires that a change in a point of diversion be pre-approved by the DNRC. Senate Bill 396 alters present law to allow for an appropriator to change a point of diversion that has become inoperable or deteriorated without prior approval of the DNRC, provided that the new point of diversion does not change the amount of water diverted or impact the water rights of other appropriators. After a new diversion is in place, SB 396 would require that the appropriator file a notice of replacement point of diversion with the DNRC. DNRC, after an assessment of the notice and, if deemed

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necessary, an inspection of the diversion, would then issue an authorization for the change if the new diversion fulfills all requirements.

I am concerned that SB 396, as currently drafted, could result in adverse consequences for other appropriators if more water than intended is diverted. The bill as it stands now allows the appropriator to use water as soon as the new diversion point is completed, prior to review and approval by the DNRC. If more water than intended is diverted, other appropriators would be denied the use of that water until administrative review and hearing processes are completed.

My amendments preserve the ability of an appropriator to change a point of diversion without prior approval of the DNRC, but require that the appropriator refrain from using the replacement point of diversion until the notice of replacement is filed and authorization made by the Department. I have also included a time period of one year following an authorization of a replacement diversion point during which other appropriators may file an objection. This period gives potential objectors time to judge the impacts of the new diversion point on their water rights.

I ask you to join me in supporting my proposed amendments.

Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 396

1. Page 2, line 25.

Following: "(15)"

Strike: "and"

Insert: ", "

Following: "(16)"

Insert: ", and (18)"

2. Page 2, line 26.

Following: "without the"

Insert: "prior"

3. Page 9, line 27.

Following: "FORM"

Strike: "PROVIDED BY"

Insert: "available from"

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Following: "THE DEPARTMENT."

Insert: "The replacement point of diversion may not be used until a notice of replacement is filed and authorization is made by the department."

4. Page 10, lines 12 through 15.

Following: "SHALL" on line 12

Strike: remainder of line 12 through "(B)" on line 15

5. Page 10, line 21.

Strike: "AN"

Insert: "Within 1 year following the authorization of the change from the department, an"

- END -

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hollenbaugh in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 658 - Senate Amendments - Representative Jopek moved Senate amendments to **HB 658** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Boniek, Kasten, Wagner.

Total 3

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 85 - Governor's Amendments - Representative Sands moved Governor's amendments to **HB 85** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 82

Nays: Bennett, Blasdel, Boniek, Hendrick, Ingraham, Kasten, Kerns, Lake, Mendenhall, Miller, More, Randall, Regier, Sales, Smith, Wagner, Warburton.

Total 17

Excused: None.

Total 0

Absent or not voting: Belcourt.

Total 1

HB 557 - Governor's Amendments - Representative Belcourt moved Governor's amendments to **HB 557** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn,

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Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 93

Nays: Bean, Kasten, Kerns, Lake, Randall, Sales, Wagner.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 486 - Conference Committee Report No. 1 - Representative MacLaren moved the Conference Committee report to **HB 486** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Belcourt, Bennett, Berry, Blewett, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 67

Nays: Bean, B. Beck, Becker, Blasdel, Boland, Boniek, Brown, Dickenson, Hendrick, Hoven, Ingraham, Jones, Kasten, Kerns, Lake, Mehlhoff, Mendenhall, More, Morgan, O'Hara, Randall, Regier, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.
Total 31

Excused: None.
Total 0

Absent or not voting: Boss Ribs, Hawk.
Total 2

HB 531 - Conference Committee Report No. 1 - Representative Nooney moved the Conference Committee report to **HB 531** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boniek, Brown, Butcher, Caferro, Campbell, Getz, Hands, Hendrick, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A.

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Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 67

Nays: P. Beck, Berry, Boland, Boss Ribs, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hawk, Henry, Himmelberger, Hiner, Hoven, MacDonald, Malek, McAlpin, McChesney, McClafferty, Menahan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Wilmer, Wilson, Wiseman.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 598 - Senate Amendments - Representative P. Noonan moved Senate amendments to **HB 598** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 91

Nays: Berry, Boniek, Caferro, Himmelberger, Hollandsworth, Regier, Warburton.

Total 7

Excused: None.

Total 0

Absent or not voting: Howard, McChesney.

Total 2

HB 615 - Senate Amendments - Representative MacLaren moved Senate amendments to **HB**

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615 be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 90

Nays: Augare, Belcourt, Boniek, Caferro, Campbell, Mendenhall, More, Wagner, Wiseman.
Total 9

Excused: None.
Total 0

Absent or not voting: Nooney.
Total 1

HB 634 - Senate Amendments - Representative McAlpin moved Senate amendments to **HB 634** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 90

Nays: Blasdel, Boniek, Hawk, Hendrick, Ingraham, Kasten, Lake, Miller, Smith, Vincent.
Total 10

Excused: None.
Total 0

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Absent or not voting: None.

Total 0

HB 636 - Senate Amendments - Representative Dickenson moved Senate amendments to **HB 636** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 69

Nays: Ankney, Bean, Bennett, Berry, Brown, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Miller, Morgan, Randall, Regier, Roberts, Sales, Smith, Stoker, Taylor, Wagner, Warburton, Welborn.
Total 29

Excused: None.

Total 0

Absent or not voting: B. Beck, Milburn.

Total 2

HB 678 - Senate Amendments - Representative Pomnichowski moved Senate amendments to **HB 678** be **not** concurred in. Motion **failed** as follows, and will proceed to 3rd reading:

Yeas: Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 45

Nays: Ankney, Arntzen, Augare, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

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Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 40 - Representative Menahan moved **HJR 40** be adopted. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Menahan, Miller, A. Noonan, P. Noonan, Pease-Lopez, Reinhart, Sands, Sesso, Steenson, Stoker, Van Dyk, Vincent, Wagner, Wiseman, Mr. Speaker.

Total 43

Nays: Augare, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Campbell, Glaser, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Smith, Sonju, Stahl, Vance, Villa, Warburton, Washburn, Wilmer, Wilson.

Total 54

Excused: None.

Total 0

Absent or not voting: Boss Ribs, Taylor, Welborn.

Total 3

Mr. Speaker rose on a point of order to state that House Rule 40-140(4) states that if a **do not concur** motion fails than the opposite is true. So to clarify, when the do not concur motion on **HB 678** failed, the opposite is a do concur motion and it proceeds onto 3rd reading.

HJR 43 - Representative Wiseman moved **HJR 43** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara,

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Total 68

Nays: Bean, Boniek, Butcher, Hawk, Hendrick, Hollandsworth, Howard, Kasten, Kerns, Lake, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Randall, Regier, Sales, Smith, Stoker, Taylor, Vance, Wagner.

Total 24

Excused: None.

Total 0

Absent or not voting: B. Beck, Brown, Glaser, Himmelberger, McGillvray, Reichner, Washburn, Welborn.

Total 8

SB 343 - Representative Taylor moved **SB 343** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: Bean, Caferro, Dickenson, Hendrick, Howard, Kasten, Kerns, Mendenhall, More, Morgan, Vance, Wagner.

Total 12

Excused: None.

Total 0

Absent or not voting: Peterson, Phillips, Sesso, Warburton.

Total 4

Rep. Wiseman rose on a point of parliamentary enquiry.

Rep. Stahl moved that **SB 475** be moved to the bottom of the board. Motion carried.

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SJR 3 - Representative Lake moved **SJR 3** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, Malek, McAlpin, McChesney, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Vincent, Warburton, Washburn, Wilmer, Wilson.

Total 65

Nays: Ankney, Arntzen, Bean, B. Beck, Becker, Bennett, Boniek, Brown, Butcher, Campbell, Grinde, Himmelberger, Howard, Kasten, Kerns, MacDonald, MacLaren, McClafferty, McGillvray, McNutt, Mendenhall, Morgan, Pease-Lopez, Randall, Regier, Reichner, Sales, Smith, Sonju, Vance, Wagner, Welborn, Wiseman, Mr. Speaker.

Total 34

Excused: None.

Total 0

Absent or not voting: Villa.

Total 1

SJR 28 - Representative Hendrick moved **SJR 28** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 83

Nays: Bean, B. Beck, Bennett, Boniek, Brown, Butcher, Hawk, Himmelberger, Howard, Kasten, Kerns, Lake, Morgan, Regier, Reichner, Wagner, Washburn.

Total 17

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

SJR 29 - Representative MacDonald moved **SJR 29** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Menahan, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 59

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Vance, Vincent, Welborn.

Total 39

Excused: None.

Total 0

Absent or not voting: Mehlhoff, Stahl.

Total 2

SJR 30 - Representative Hunter moved **SJR 30** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: Bean, Bennett, Brown, Butcher, Hawk, Himmelberger, Howard, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, More, Peterson, Randall, Sales, Vance, Vincent, Wagner, Warburton, Washburn.

Total 22

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Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

SJR 37 - Representative Lake moved **SJR 37** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman.

Total 83

Nays: Bennett, Blasdel, Boniek, Brown, Dickenson, Hawk, Himmelberger, Kasten, Kerns, Malek, Sales, Sands, Sonju, Vincent, Wagner, Welborn, Mr. Speaker.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 475 - Representative Driscoll moved **SB 475** do pass.

SB 475 - Representative Stahl moved **SB 475**, second reading copy, be amended as follows:

1. Page 2, line 12 through page 3, line 9.

Strike: section 4 in its entirety

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hands, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara,

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Total 85

Nays: Becker, Caferro, Cohenour, Dickenson, Hamilton, Henry, Jopek, A. Noonan, Phillips, Pomnichowski, Villa, Wilmer, Wiseman.

Total 13

Excused: Boniek.

Total 1

Absent or not voting: McAlpin.

Total 1

SB 475 - Representative Pomnichowski moved **SB 475**, second reading copy, be amended as follows:

1. Title, line 4.

Following: "SALES;"

Strike: "AND"

2. Title, line 5.

Following: "DEADLINE"

Insert: "; AND ALLOWING FOR PUBLIC MEETINGS"

3. Page 2, line 4.

Insert: "NEW SECTION. Section 2. Option for public meeting. (1) Public meetings may be held at least 14 days before an upcoming sale.

(2) The department may hold a meeting on its own initiative or at the request of a county commission in a county where a tract is being offered for sale."

Insert: "NEW SECTION. Section 3. No appropriation. It is the intent of the legislature that the requirements of [this act] be conducted within existing levels of funding."

Renumber: subsequent sections

4. Page 2, line 9.

Strike: "[Section 1] is"

Insert: "[Sections 1 and 2] are"

5. Page 2, line 10.

Strike: "[section 1]"

Insert: "[sections 1 and 2]"

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Amendment **failed** as follows:

Yeas: Augare, Barrett, Blewett, Boland, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Jopek, MacDonald, Malek, McAlpin, McClafferty, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Villa, Wilmer, Wilson, Wiseman.
Total 38

Nays: Ankney, Arntzen, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boss Ribs, Brown, Butcher, Ebinger, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 60

Excused: Boniek.
Total 1

Absent or not voting: Mehlhoff.
Total 1

SB 475 - Representative Driscoll moved **SB 475**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blewett, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 83

Nays: Becker, Blasdel, Boland, Boniek, Dickenson, Hendrick, Jopek, Kasten, McClafferty, Mendenhall, A. Noonan, P. Noonan, Sales, Sesso, Villa, Wiseman.
Total 16

Excused: None.
Total 0

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Absent or not voting: Pomnichowski.

Total 1

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 89

Nays: McGillvray, Miller, Phillips, Sales, Vance, Vincent, Wilson.

Total 7

Excused: Boniek.

Total 1

Absent or not voting: French, Hollenbaugh, Mendenhall.

Total 3

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 263**

Report No. 1, April 20, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 263** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 263** (reference copy -- salmon) be amended as follows:

1. Page 1, line 23.

Following: the first "the"

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Strike: "MINIMUM"

2. Page 1, line 23 through line 24.

Following: "AS" on line 23

Strike: remainder of line 23 through "SUBSECTION" on line 24

Insert: "follows, except as provided in subsections"

3. Page 1, line 25.

Following: "(2)"

Strike: "."

Insert: "and (3):

(a) in every misdemeanor case, \$150; and

(b) in every felony case, \$500."

4. Page 2, line 1.

Following: "INCURRED"

Insert: "and, except as provided in subsection (3), the court shall require the defendant to pay the costs of counsel and other costs and expenses as reflected in the statement"

5. Page 2, line 16 through line 20.

Strike: subsection (5) in its entirety

For the Senate:

Shockley, Chair

Laible

Jent

For the House:

Getz, Vice Chair

Menahan

Nooney

Peterson

MOTIONS

Rep. Caferro moved that her vote be changed to a 'YES' for 3rd reading on **HJR 32**. Motion carried.

Rep. Campbell moved that the Speaker be authorized to appoint a FREE Conference Committee on HB 658 and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. Jopek, Vice Chair

Rep. Barrett

Rep. Lake

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Rep. Blasdel

SPECIAL ORDERS OF THE DAY

Rep. Himmelberger read and explained House Joint Rule 40-210 "Governors Veto"
Rep. Himmelberger read and explained House Rule 70-60.
Rep. Himmelberger read and explained House Rule 40-260.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:00 a.m., Tuesday, April 21, 2009. Motion carried.

House adjourned at 3:02 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
EIGHTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
April 21, 2009

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. O'Hara. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

HUMAN SERVICES (Becker, Chairman): 4/21/2009
SJR 35, be concurred in. Report adopted.

JUDICIARY (Stoker, Chairman): 4/21/2009
HR 3, introduced bill, be amended as follows:

1. Page 1.

Following: line 23

Insert: "Department of Justice

Montana Highway Patrol	\$175,000	General Fund
Office of Public Defender		
Appellate Defender	\$292,000	General Fund
Office of Public Instruction		
Pupil Transportation	\$360,000	General Fund"

2. Page 1.

Strike: line 24 through line 26 in their entirety

3. Page 1.

Following: line 26

Insert: "Commissioner of Political Practices \$36,000 General Fund"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

House amendments to Senate bills concurred in: 4/20/2009

SB 55, introduced by Steinbeisser

SB 214, introduced by Steinbeisser

House bills concurred in and returned to the House: 4/20/2009

HB 97, introduced by Boland

HB 135, introduced by Belcourt

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House joint resolution concurred in and returned to the House:

4/20/2009

HJR 35, introduced by Himmelberger

HB 331 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 331**:

4/20/2009

Senator Gebhardt, Chair
Senator Jackson
Senator J. Tropila

HB 658 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 658**:

4/20/2009

Senator Essman, Chair
Senator Gebhardt
Senator Gillian

Governor's amendments to Senate bills concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/20/2009

SB 117, introduced by Wanzenried
SB 164, introduced by De. Barrett
SB 268, introduced by R. Brown
SB 399, introduced by Laslovich

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

4/21/2009

HB 130, introduced by Stoker
HB 131, introduced by Stoker
HB 132, introduced by Stoker

Conference Committee Report No.1 passed SECOND reading:

4/20/2009

HB 486, introduced by MacLaren
HB 531, introduced by Nooney
SB 348, introduced by Essmann

MESSAGES FROM THE GOVERNOR

April 13, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Bergren:

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Please be informed that I have signed **House Bill 190** sponsored by Representative Van Dyk et al. on April 13, 2009.

Sincerely,

BRIAN SCHWEITZER
Governor

April 15, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Bergren:

Please be informed that I have signed the following bills:

April 15, 2009

House Bill 104 sponsored by Representative French,
House Bill 116 sponsored by Representative McNutt,
House Bill 161 sponsored by Representative Augare,
House Bill 246 sponsored by Representative Boniek et al.,
House Bill 263 sponsored by Representative Smith,
House Bill 264 sponsored by Representative Smith,
House Bill 386 sponsored by Representative O'Hara et al.,
House Bill 402 sponsored by Representative French,
House Bill 403 sponsored by Representative Kottel,
House Bill 495 sponsored by Representative Arntzen,
House Bill 509 sponsored by Representative Ingraham,
House Bill 513 sponsored by Representative Cohenour et al.,
House Bill 534 sponsored by Representative Campbell et al.,
House Bill 572 sponsored by Representative Pomnichowski et al.,
House Bill 626 sponsored by Representative Welborn,
Senate Bill 124 sponsored by Senator Squires,
Senate Bill 192 sponsored by Senator Zinke,
Senate Bill 276 sponsored by Senator Squires,
Senate Bill 405 sponsored by Senator Moss, and
Senate Bill 447 sponsored by Senator Moss et al..

Sincerely,

BRIAN SCHWEITZER
Governor

April 16, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol

HOUSE JOURNAL
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Helena, Montana 59620

Dear Representative Bergren:

Please be informed that I have signed the following bills:

April 16, 2009

House Bill 95 sponsored by Representative Hawk,
House Bill 103 sponsored by Representative Wilson,
House Bill 107 sponsored by Representative Hiner,
House Bill 112 sponsored by Representative Sesso,
House Bill 127 sponsored by Representative Sesso,
House Bill 177 sponsored by Representative Kottel,
House Bill 218 sponsored by Representative Menahan,
House Bill 328 sponsored by Representative MacLaren,
House Bill 338 sponsored by Representative Ankney et al.,
House Bill 343 sponsored by Representative A. Noonan et al.,
House Bill 373 sponsored by Representative Wilmer et al.,
House Bill 380 sponsored by Representative Stahl et al.,
House Bill 404 sponsored by Representative Reinhart et al.,
House Bill 477 sponsored by Representative Menahan,
House Bill 504 sponsored by Representative Reinhart et al.,
House Bill 517 sponsored by Representative Hollenbaugh,
House Bill 563 sponsored by Representative Kottel,
House Bill 591 sponsored by Representative Pease-Lopez,
Senate Bill 68 sponsored by Senator Wanzenried,
Senate Bill 136 sponsored by Senator Gebhardt,
Senate Bill 200 sponsored by Senator Erickson et al.,
Senate Bill 261 sponsored by Senator Wanzenried,
Senate Bill 275 sponsored by Senator Squires,
Senate Bill 294 sponsored by Senator Gillan,
Senate Bill 311 sponsored by Senator Gallus.

Sincerely,

BRIAN SCHWEITZER
Governor

April 17, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Bergren:

Please be informed that I have signed the following bills:

April 17, 2009

House Bill 23 sponsored by Representative Himmelberger,
House Bill 40 sponsored by Representative Cohenour,
House Bill 59 sponsored by Representative Hamilton,

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House Bill 109 sponsored by Representative Hunter,
House Bill 147 sponsored by Representative MacLaren,
House Bill 170 sponsored by Representative Menahan,
House Bill 222 sponsored by Representative Cohenour et al.,
House Bill 357 sponsored by Representative Berry et al.,
House Bill 362 sponsored by Representative Henry,
House Bill 371 sponsored by Representative Cohenour et al.,
House Bill 374 sponsored by Representative Arntzen et al.,
House Bill 412 sponsored by Representative Wiseman et al.,
House Bill 416 sponsored by Representative MacDonald et al.,
House Bill 466 sponsored by Representative P. Beck et al.,
House Bill 544 sponsored by Representative Vincent et al.,
House Bill 574 sponsored by Representative Vincent,
House Bill 588 sponsored by Representative Ankney et al.,
Senate Bill 9 sponsored by Senator Erickson,
Senate Bill 22 sponsored by Senator Murphy,
Senate Bill 57 sponsored by Senator Gillan,
Senate Bill 58 sponsored by Senator Gillan,
Senate Bill 62 sponsored by Senator Laible,
Senate Bill 71 sponsored by Senator Erickson,
Senate Bill 95 sponsored by Senator Brueggeman,
Senate Bill 96 sponsored by Senator Jent,
Senate Bill 104 sponsored by Senator Esp,
Senate Bill 113 sponsored by Senator Keane,
Senate Bill 123 sponsored by Senator Squires,
Senate Bill 126 sponsored by Senator Murphy,
Senate Bill 133 sponsored by Senator Kaufmann,
Senate Bill 148 sponsored by Senator J. Peterson,
Senate Bill 151 sponsored by Senator Brueggeman,
Senate Bill 156 sponsored by Senator Cooney,
Senate Bill 174 sponsored by Senator Perry,
Senate Bill 202 sponsored by Senator Hinkle et al.,
Senate Bill 222 sponsored by Senator Hansen,
Senate Bill 227 sponsored by Senator R. Brown,
Senate Bill 228 sponsored by Senator De. Barrett,
Senate Bill 280 sponsored by Senator Gebhardt,
Senate Bill 297 sponsored by Senator Larsen,
Senate Bill 308 sponsored by Senator Keane et al.,
Senate Bill 367 sponsored by Senator Hamlett et al.,
Senate Bill 392 sponsored by Senator Brueggeman,
Senate Bill 424 sponsored by Senator Barkus et al.,
Senate Bill 426 sponsored by Senator Laslovich,
Senate Bill 463 sponsored by Senator Wanzenried.

Sincerely,

BRIAN SCHWEITZER
Governor

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April 18, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Bergren:

Please be informed that I have signed the following bills:
House Bill 19 sponsored by Representative Ingraham,
House Bill 34 sponsored by Representative Wilmer,
House Bill 409 sponsored by Representative Pomnichowski et al.,
House Bill 420 sponsored by Representative Reinhart et al.,
House Bill 443 sponsored by Representative Menahan et al.,
House Bill 451 sponsored by Representative Ebinger et al.,
House Bill 475 sponsored by Representative Phillips,
House Bill 480 sponsored by Representative Pomnichowski,
House Bill 499 sponsored by Representative French et al.,
House Bill 546 sponsored by Representative Pomnichowski,
House Bill 635 sponsored by Representative McChesney,
House Bill 127 sponsored by Senator Gillan,
House Bill 226 sponsored by Senator Hawks,
House Bill 247 sponsored by Senator Black et al.,
House Bill 269 sponsored by Senator R. Brown,
House Bill 292 sponsored by Senator Gebhardt,
House Bill 299 sponsored by Senator J. Tropila et al.,
House Bill 330 sponsored by Senator Moss,
House Bill 388 sponsored by Senator Gillan et al.,
House Bill 401 sponsored by Senator Laslovich,
House Bill 441 sponsored by Senator Laslovich,
House Bill 444 sponsored by Senator Laslovich,
House Bill 449 sponsored by Senator Keane.

April 18, 2009

Sincerely,

BRIAN SCHWEITZER
Governor

April 19, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Bergren:

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Please be informed that I have signed following bills:

April 19, 2009

Senate Bill 26 sponsored by Senator Murphy

Senate Bill 84 sponsored by Senator Gillan.

Sincerely,

BRIAN SCHWEITZER
Governor

April 16, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Bergren:

Please be informed that the following bills have been returned with out signature:

April 16, 2009

House Bill 71 sponsored by Representative Sands,

House Bill 378 sponsored by Representative Blasdel et al.,

House Bill 529 sponsored by Representative Jones,

House Bill 542 sponsored by Representative Vance.

Sincerely,

BRIAN SCHWEITZER
Governor

April 18, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Bergren:

Please be informed that the following bills have been returned with out signature:

April 18, 2009

House Bill 488 sponsored by Representative Jones,

House Bill 567 sponsored by Representative Sonju,

Senate Bill 76 sponsored by Senator Black,

Senate Bill 193 sponsored by Senator McGee,

Senate Bill 351 sponsored by Senator Essmann et al.,

Senate Bill 353 sponsored by Senator Black,

Senate Bill 361 sponsored by Senator Ripley et al.,

Senate Bill 375 sponsored by Senator J. Peterson.

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Sincerely,

BRIAN SCHWEITZER
Governor

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sonju in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 536 - Governor's Amendments - Representative Malek moved Governor's amendments to **HB 536** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Boniek, Jones, Kerns, Klock, McGillvray, Miller, Randall, Vincent, Welborn.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 117 - Governor's Amendments - Representative Kasten moved Governor's amendments to **SB 117** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 100

Nays: None.

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Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 164 - Governor's Amendments - Representative Sales moved Governor's amendments to **SB 164** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: McNutt.

Total 1

SB 268 - Governor's Amendments - Representative MacDonald moved Governor's amendments to **SB 268** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: Ankney, B. Beck, Berry, Blasdel, Boniek, Ingraham, Kerns, Sales, Smith, Sonju, Vance, Vincent, Wagner, Warburton, Welborn.

Total 15

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

SB 399 - Governor's Amendments - Representative P. Noonan moved Governor's amendments to **SB 399** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 92

Nays: Bennett, Boniek, Kasten, Kerns, Wagner, Warburton.
Total 6

Excused: None.
Total 0

Absent or not voting: Belcourt, Sales.
Total 2

SB 263 - Conference Committee - Representative Menahan moved Conference Committee to **SB 263** be adopted in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Augare, Caferro, Campbell, Kottel, Miller, Taylor.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 662 - Senate Amendments - Representative Arntzen moved Senate amendments to **HB 662** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs,

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Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Van Dyk, Villa, Warburton, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 78

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, Miller, Randall, Roberts, Sales, Sonju, Stoker, Vance, Vincent, Wagner, Washburn.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 669 - Senate Amendments - Representative Vincent moved Senate amendments to **HB 669** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: Boniek, Kerns, Stahl.
Total 3

Excused: None.
Total 0

Absent or not voting: Klock.
Total 1

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall,

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Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 94

Nays: Mendenhall, Vance.
Total 2

Excused: None.
Total 0

Absent or not voting: Arntzen, Jones, Sales, Sonju.
Total 4

MOTIONS

Rep. Stoker moved that the House suspend the rules in order to place **HB 130, HB 131, HB 132** on 2nd Reading, this the 85th Legislative Day. Motion carried.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on Senate Bill 507
Report No. 1, April 21, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 507** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 507** (reference copy -- salmon) be amended as follows:

1. Title, line 9.

Strike: "OR INDEMNITY"

2. Title, lines 10 and 11.

Following: "EASEMENTS;" on line 10

Strike: remainder of line 10 through "PURPOSES;" on line 11

3. Page 2, line 4.

Strike: "9"

Insert: "8"

4. Page 2, line 7.

Strike: "9"

Insert: "8"

5. Page 2, line 10.

Following: "mark"

Insert: "as provided in 70-16-201"

6. Page 2, line 13.

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Strike: "9"
Insert: "8"

7. Page 2.

Following: line 13

Insert: "(3) "Navigable river" means a river that:

(a) was determined navigable at the time of the original federal government surveys of the public land as evidenced by the recorded and monumented surveys of the meander lines of the river; or

(b) has been adjudicated as navigable by a court of competent jurisdiction."

8. Page 4.

Following: line 21

Insert: "(3) Section 77-1-805 applies to the use of navigable rivers for which leases, licenses, or easements for the use of the bed have been granted."

9. Page 4, line 24.

Strike: "9"

Insert: "8"

10. Page 5, line 8.

Following: "(2)"

Strike: "THE"

Insert: "For the purposes of [sections 1 through 8], the"

Following: "NOT"

Insert: ":(a)"

11. Page 5, lines 9 and 10.

Strike: "OR THE INDEMNIFICATION OF THE STATE" on line 9

Following: "EASEMENT" on line 9

Strike: remainder of line 9 through "NOT" on line 10

Insert: " ; or
(b)"

Strike: "OR THE INDEMNIFICATION OF THE STATE"

12. Page 5, lines 18 through 20.

Strike: section 9 in its entirety

Renumber: subsequent sections

13. Page 6, line 14.

Strike: "9"

Insert: "8"

14. Page 6, line 16.

Strike: "9"

Insert: "8"

For the Senate:

McGee, Chairman
Hamlett

For the House:

Cohenour, Chairman
Barrett

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Story

Lake
Stahl

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 85 Governors Amendments concurred as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 78

Nays: B. Beck, Bennett, Blasdel, Boniek, Hendrick, Henry, Ingraham, Kasten, Kerns, Lake, Mendenhall, Miller, More, Morgan, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Wagner.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 486 Conference Committee report, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 70

Nays: Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hendrick, Ingraham, Jones, Kasten, Kerns, Mendenhall, Miller, More, Morgan, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Vance, Vincent, Wagner, Warburton, Welborn.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 531 Conference Committee report, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boniek, Brown, Butcher, Caferro, Campbell, Ebinger, French, Getz, Glaser, Hands, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.

Total 75

Nays: P. Beck, Boland, Boss Ribs, Cohenour, Dickenson, Driscoll, Fleming, Furey, Grinde, Hamilton, Hawk, Henry, Himmelberger, Hoven, Lake, MacDonald, Malek, McAlpin, Menahan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Wilmer, Wiseman.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 557 Governors amendments, concurred as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Bean, Boniek, Kerns, Mendenhall, Morgan, Sales.

Total 6

Excused: None.

Total 0

Absent or not voting: Sesso.

Total 1

HB 598 Senate amendments, concurred as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van

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Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 92

Nays: Berry, Caferro, Driscoll, Hawk, Lake, Regier, Stahl, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 615 Senate amendments, concurred as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, P. Beck, Bennett, Berry, Blasdel, Blewett, Boland, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 82

Nays: Augare, Bean, Becker, Belcourt, Boniek, Boss Ribs, Caferro, Campbell, Ingraham, Kerns, Mendenhall, Miller, More, Sales, Vincent, Wagner, Warburton, Wiseman.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 634 Senate amendments, concurred as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 85

Nays: Bean, Blasdel, Boniek, Hawk, Ingraham, Kerns, Mendenhall, Miller, Peterson, Randall, Regier, Sales, Smith, Vance, Vincent.
Total 15

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

HB 636 Senate amendments, concurred as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 68

Nays: Ankney, Bean, Bennett, Berry, Boniek, Brown, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Randall, Regier, Roberts, Sales, Smith, Stoker, Wagner, Warburton, Welborn.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 43 adopted as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 77

Nays: Arntzen, Bean, Brown, Butcher, Hawk, Himmelberger, Hollandsworth, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Peterson, Regier, Reichner, Stoker, Vance.
Total 22

Excused: None.
Total 0

Absent or not voting: Jones.
Total 1

SB 343 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney,

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McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.

Total 86

Nays: Bean, P. Beck, Caferro, Hendrick, Howard, Kasten, Kerns, Mendenhall, Morgan, Randall, Stoker, Vance, Wagner, Mr. Speaker.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 475 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: Blasdel, Dickenson, Hendrick, Kasten, More.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 3 concurred in as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Belcourt, Berry, Blasdel, Blewett, Boland, Caferro, Cohenour, Driscoll, Fleming, Furey, Getz, Glaser, Henry, Hiner, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, Mehlhoff, Menahan, Milburn, Miller, More, A. Noonan, O'Hara, Peterson, Phillips, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Warburton, Washburn, Wilson, Mr. Speaker.

Total 51

Nays: Ankney, B. Beck, Becker, Bennett, Boniek, Boss Ribs, Brown, Butcher, Campbell, Dickenson, Ebinger, French, Grinde, Hamilton, Hands, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Jopek, Kasten, Kerns, Klock, MacDonald, McClafferty, McGillvray, McNutt, Mendenhall, Morgan, P. Noonan, Nooney, Pease-Lopez, Pomnichowski, Randall, Regier, Reichner, Reinhart, Sales, Smith, Sonju, Stahl, Vance, Villa, Vincent, Wagner, Welborn, Wilmer, Wiseman.

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Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 28 concurred in as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, A. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: Arntzen, Bean, B. Beck, Bennett, Boniek, Butcher, Hawk, Himmelberger, Howard, Kasten, Kerns, Lake, Mendenhall, More, Morgan, Nooney, Randall, Regier, Sales, Vance, Vincent, Wagner.

Total 22

Excused: None.

Total 0

Absent or not voting: P. Noonan.

Total 1

SJR 29 concurred in as follows:

Yeas: Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 63

Nays: Ankney, Arntzen, Bean, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Vance, Vincent, Warburton, Welborn.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 30 concurred in as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 79

Nays: Bennett, Boniek, Brown, Hawk, Himmelberger, Howard, Kasten, Kerns, Lake, McGillvray, McNutt, Mendenhall, Miller, More, Morgan, Peterson, Randall, Sales, Stahl, Vance, Wagner.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 37 concurred in as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Warburton, Wiseman, Mr. Speaker.

Total 75

Nays: Ankney, Bean, P. Beck, Bennett, Brown, Dickenson, Hands, Hawk, Himmelberger, Kasten, Kerns, Morgan, Nooney, Pomnichowski, Sales, Sands, Sonju, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson.

Total 24

Excused: None.

Total 0

Absent or not voting: Roundstone.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House recess until 1:00 p.m. today, April 21, 2009. Motion carried.

House recessed at 8:32 a.m.

House came to order at 1:03 p.m.

Roll Call. All members present. Quorum present.

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REPORTS OF SELECT COMMITTEES

**FREE CONFERENCE COMMITTEE
on House Bill 331**

Report No. 0, April 21, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 331** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 331** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 6.

Strike: "AND"

2. Title, page 1, line 7.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 12 through line 18.

Strike: subsection (i) through subsection (iv) in their entirety

Insert: "(i) \$85 for each license issued to an establishment that does not have more than two employees working at any one time; and

(ii) \$115 for establishments not referred to in subsection (1)(b)(i)."

4. Page 4, line 7 through line 8.

Strike: "as" on line 7 through "(2)" on line 8

Insert: "of \$115"

5. Page 4, line 9 through line 14.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

6. Page 4, line 18.

Strike: "(2)"

Insert: "(1)"

7. Page 4, line 20.

Strike: "(2)"

Insert: "(1)"

8. Page 4, line 25.

Strike: "(3)"

Insert: "(2)"

9. Page 4, line 27.

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Insert: "NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval."

For the House:

Gebhardt, Chairman
Jackson
J. Tropila

For the Senate:

Grinde, Chairman
Hamilton
Klock
Morgan

MESSAGES FROM THE SENATE

Governor's amendments to House bills not concurred in and returned to the House: 4/21/2009
HB 418, introduced by Butcher

Governor's amendments to House bills concurred in and returned to the House: 4/21/2009

HB 150, introduced by D. Brown
HB 301, introduced by Kottel
HB 332, introduced by Getz

Governor's amendments to Senate bills concurred in and transmitted to the House for concurrence in the Governor's amendments: 4/21/2009

SB 235, introduced by Murphy
SB 290, introduced by Jackson
SB 446, introduced by Story

House amendments to Senate bill concurred in: 4/21/2009

SB 509, introduced by Gebhardt

House amendments to Senate bill not concurred in on 2nd Reading: 4/21/2009
SB 332, introduced by Curtiss

House bills concurred in and returned to the House: 4/21/2009

HB 194, introduced by Mendenhall
HB 279, introduced by Reinhart

House joint resolution concurred in and returned to the House: 4/21/2009

HJR 36, introduced by Kottel

HB 602 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 602**: 4/21/2009

Senator Shockley, Chair
Senator J. Tropila
Senator Balyeat

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Conference Committee Report No.1 adopted on 2nd reading: 4/21/2009

HB 263, introduced by Smith

Free Conference Committee Report No.1 adopted: 4/21/2009

SB 348, introduced by Essmann

Conference Committee Report No.1 adopted: 4/21/2009

SB 486, introduced by T. Brown

HB 531, introduced by Nooney

Governor's amendments to Senate bills not concurred in and returned to the House: 4/21/2009

SB 360, introduced by Keane

SB 371, introduced by Perry

SB 396, introduced by Story

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sonju in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 507 - Conference Committee Report No. 1 - Representative Cohenour moved the Conference Committee report to **SB 507** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Bolland, Boniek, Boss Ribs, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Brown, Caferro, Getz, Pease-Lopez.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

SB 158 - Governor's Amendments - Representative K. Peterson moved Governor's amendments to **SB 158** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 88

Nays: P. Beck, Dickenson, French, Jopek, Mendenhall, A. Noonan, Phillips, Sales, Sesso, Van Dyk, Villa, Wiseman.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 360 - Representative Campbell moved to pass consideration for the day on **SB 360**. Motion carried.

SB 396 - Governor's Amendments - Representative Vincent moved Governor's amendments to **SB 396** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Caferro, Cohenour, Fleming, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 56

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Campbell, Dickenson, Driscoll, Ebinger, French, Furey, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 130 - Senate Amendments - Representative Stoker moved Senate amendments to **HB 130** be concurred in. Motion carried as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: Bean, Blasdel, Boniek, Butcher, Ingraham, Kerns, Randall, Regier, Sales, Smith, Wagner.

Total 11

Excused: None.

Total 0

Absent or not voting: B. Beck, McClafferty, Roundstone.

Total 3

HB 131 - Senate Amendments - Representative Stoker moved Senate amendments to **HB 131** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Ankney, Bean, Blasdel, Boniek, Butcher, Ingraham, Sales, Smith, Wagner.

Total 9

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

HB 132 - Senate Amendments - Representative Stoker moved Senate amendments to **HB 132** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl,

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Stenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

SJR 35 - Representative Hunter moved **SJR 35** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stenson, Stoker, Van Dyk, Villa, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 64

Nays: Arntzen, Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Sales, Smith, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Washburn.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Stenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: McGillvray, Mendenhall, Miller, Vance, Wagner.

Total 5

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Excused: None.
Total 0

Absent or not voting: Arntzen, Ebinger, More, Sales, Sonju.
Total 5

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 678 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 87

Nays: B. Beck, Boniek, Brown, Kasten, Morgan, Peterson, Randall, Reichner, Sales, Vincent, Wagner, Warburton.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Rep. Campbell moved that **HR 3** be moved to the Judiciary committee for the purpose of making a correction.
Motion carried.

Rep. Campbell moved that the Conference Committee on **HB 602** be dissolved and that the Speaker be authorized to appoint a (Free) conference committee on **HB 602**.

The Speaker Appoints:

Rep. Cohenour, Vice Chair
Rep. French
Rep. Sonju
Rep. Randall

SPECIAL ORDERS OF THE DAY

Rep. Himmelberger explained the Joint Rules - Rule 40-230
Rep. Phillips explained how the House Rules are also part of Montana Code.

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ANNOUNCEMENTS

Rep. Bennett moved to have his vote changed to a '**YES**' for HB 678, his button did not work.
Committees were announced by committee chairs.

Representative Campbell moved that the House adjourn until 8:00 a.m., Wednesday, April 22, 2009. Motion carried.

House adjourned at 3:02 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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61ST LEGISLATURE
EIGHTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
April 22, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Augare. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Stoker, Chairman):

4/22/2009

HR 3, introduced resolution, be amended as follows:

1. Page 2, line 6.

Strike: the first "its"

Insert: "it"

2. Page 2, line 7.

Strike: "are void and of no force"

3. Page 2, line 12 through line 17.

Strike: subsections (4) through (6) in their entirety.

Renumber: subsequent subsections

4. Page 3, line 19 and line 20.

Strike: "legislature of that"

5. Page 3, line 21.

Strike: "legislature of that"

6. Page 3, line 29.

Strike: "or Judicial Order of the United States"

Following: ", "

Insert: "or if any treaty is entered into by the federal government that nullifies the rights of the

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people of Montana as expressed in the United States or Montana Constitutions,"

And, as amended, be adopted. Report adopted.

SJR 39, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 3**
Report No. 1, April 21, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 3** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 3** (reference copy -- salmon) be amended as follows:

1. Page 1, line 23.

Strike: "\$1,697,344"

Insert: "\$2,375,784"

2. Page 2, line 8.

Following: "(2)"

Insert: "For expenditures from the Brucellosis appropriation for public information and education, the department of livestock shall contract with the extension service in the Montana university system for education and communication program services."

For the House:

Ripley, Chairman
Peterson
Windy Boy

For the Senate:

Hollenbaugh, Chairman
Ankney
Jones
Mehlhoff

MESSAGES FROM THE GOVERNOR

April 21, 2009

The Honorable Robert Story, Jr.
President of the Senate

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State Capitol
Helena, MT 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 465, **“AN ACT REVISING AND CLARIFYING THE LAWS RELATED TO THE TREATMENT OF PROPERTY CONSISTING OF THE BED OF NAVIGABLE RIVERS AND STREAMS; PROVIDING FOR A REDUCTION FROM GRAZING LAND BEFORE A REDUCTION FROM CURRENT LAND USE FOR PROPERTY TAX PURPOSES; PROVIDING THAT IN A DISPUTE OVER THE OWNERSHIP OF THE BED OF A RIVER OR STREAM A PRESUMPTION MAY NOT BE MADE BASED UPON THE TAX STATUS OF THE PROPERTY; CLARIFYING THE OWNERSHIP OF STRUCTURES; CLARIFYING THE ABILITY TO CONTROL NOXIOUS WEEDS; AMENDING SECTIONS 61-8-371, 77-1-111, 77-1-126, 77-1-127, 77-1-806, 77-1-809, 77-3-442, 77-6-113, 77-6-115, 77-6-302, 77-6-303, AND 77-6-501, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.”**

Senate Bill 465, sponsored by Senator Hamlett, concerns the subject of navigable streambeds in areas including but not limited to taxation, irrigation structures, weed control, and others. Concerning the subject of taxation, in 2008, with new technology available and in consultation with the Revenue and Transportation Interim Committee, the Department of Revenue for the first time excluded from property taxation land underlying rivers or streams that the Department of Natural Resources and Conservation (“DNRC”) considered to be owned by the State of Montana based on the type of evidence used by courts in determining navigability of rivers and streams for purposes of title.

An unexpected consequence was that certain property owners believed the Department of Revenue was acting to assert ownership of land never previously adjudicated as having been in state ownership. Among other things, Senate Bill 465 prohibits the Department of Revenue from treating land underlying streams and rivers as in state ownership unless the land has been adjudicated as owned by the state or the state is the owner of record of the property.

As passed, Senate Bill 465 includes a retroactive applicability clause, the effect of which would be to require reassessment of *all* stream beds exempted in 2008, except those stream beds previously adjudicated as navigable. Instead of requiring reassessment of *all* stream beds, my amendment

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would require retroactive reassessment only if the landowner made that choice. Under my amendment, the Department of Revenue will be required to notify landowners of their right to request a reassessment for 2008, and for those who so request, allow those landowners to pay taxes on the beds of the rivers and streams neither adjudicated or surveyed as navigable.

I have also included an additional minor amendment to the "whereas" provisions of the bill, to recognize that the DNRC has regulatory authority not only over the beds of rivers and streams adjudicated as navigable, but also over those stream beds determined navigable through federal surveys of the meander lines.

I have discussed these amendments with the sponsor of the bill, Senator Hamlett, who has indicated his support.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

GOVERNOR'S AMENDMENTS
SENATE BILL 465

1. Title, line 12 through line 13.

Following: "DATE" on line 12

Strike: remainder of line 12 through "DATE" on line 13

2. Page 1, line 25.

Following: "NAVIGABLE"

Insert: "or was not determined navigable at the time of the original federal government surveys of the public land as evidenced by the recorded and monumented surveys of the meander lines of the river"

3. Page 3, line 25.

Following: line 24

Insert: "(3) The department shall notify landowners of their right to request and shall provide upon request a revised assessment for tax year 2008 for the bed of any stream:
(a) not adjudicated to be navigable by a court of competent jurisdiction; or
(b) not determined navigable at the time of the original federal government surveys of the public land as evidenced by the recorded and monumented surveys of the meander lines of the river."

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4. Page 12, line 8 through line 9.

Strike: section 19 in its entirety

- END -

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Becker in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 331 - Conference Committee Report No. 1 - Representative Morgan moved the Conference Committee report to **HB 331** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Boniek, Himmelberger, Kerns, More, Randall.

Total 5

Excused: None.

Total 0

Absent or not voting: Hiner, Mendenhall, O'Hara.

Total 3

SB 235 - Governor's Amendments - Representative Hunter moved the Conference Committee report to **SB 235** be adopted. Motion carried as follows:

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Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 82

Nays: Bean, Boniek, Butcher, Hawk, Hendrick, Himmelberger, Kerns, Lake, McGillvray, Mendenhall, More, Randall, Regier, Stahl, Vance, Vincent, Wagner, Warburton.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 290 - Governor's Amendments - Representative Regier moved Governor's amendments to **SB 290** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Boniek, Butcher, Hawk, Kasten, Kerns, Lake, Nooney, Randall.

Total 8

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

SB 360 - Governor's Amendments - Representative Menahan moved Governor's amendments to **SB 360** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Steenson, Taylor, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 61

Nays: Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Klock, Lake, MacLaren, McNutt, Mendenhall, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Smith, Sonju, Stahl, Stoker, Vance, Vincent, Wagner, Warburton.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 371 - Governor's Amendments - Representative Hunter moved Governor's amendments to **SB 371** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 82

Nays: Bean, Bennett, Berry, Butcher, Hawk, Hendrick, Kasten, Kerns, Lake, Mendenhall,

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Milburn, More, Randall, Regier, Sales, Vance, Vincent, Wagner.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 446 - Governor's Amendments - Representative Sands moved Governor's amendments to **SB 446** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 54

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 46

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Becker moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin,

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McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 89

Nays: Boniek, Hawk, Himmelberger, Lake, McGillvray, Mendenhall, Miller, Nooney, Randall, Sales, Vance.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 10 Senate Amendments, passed as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 67

Nays: Arntzen, Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Sales, Smith, Sonju, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 33

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 130 Senate Amendments, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 79

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Himmelberger, Ingraham, Kerns, Mendenhall, Miller, Randall, Regier, Sales, Smith, Sonju, Vance, Vincent, Wagner.

Total 19

Excused: None.

Total 0

Absent or not voting: B. Beck, Reichner.

Total 2

HB 131 Senate Amendments, passed as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 74

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Himmelberger,

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Howard, Ingraham, Kerns, McGillvray, Mendenhall, Miller, More, Randall, Regier, Reichner, Sales, Smith, Sonju, Vance, Vincent, Wagner, Warburton.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 132 Senate Amendments, passed as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 79

Nays: B. Beck, Bennett, Blasdel, Boniek, Himmelberger, Howard, Kerns, McGillvray, Mendenhall, Miller, Randall, Regier, Reichner, Sales, Smith, Sonju, Vance, Vincent, Wagner, Welborn.

Total 20

Excused: None.

Total 0

Absent or not voting: Ankney.

Total 1

HB 536 Governor's Amendments, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jopek, Kasten, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts,

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Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: Bean, Bennett, Boniek, Himmelberger, Howard, Jones, Kerns, Klock, Mendenhall, Miller, Randall, Stahl, Wagner, Warburton, Welborn.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 662 Senate Amendments, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 70

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Ingraham, Kasten, Kerns, Lake, MacLaren, Mendenhall, Milburn, Miller, More, Nooney, Randall, Roberts, Sales, Sonju, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 669 Senate Amendments, passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson,

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Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Boniek, Caferro, Kerns, Stahl.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 117 Governor's Amendments, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: More, Nooney, Wagner, Welborn.

Total 4

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

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SB 164 Governor's Amendments, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Caferro, Hoven, Stahl.

Total 3

SB 263 Conference Committee report, adopted in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Campbell, Kottel, Mendenhall, Miller, Randall, Vance.

Total 6

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

SB 268 Governor's Amendments, concurred in as follows:

Yeas: Arntzen, Barrett, P. Beck, Becker, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman.

Total 67

Nays: Ankney, Augare, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Campbell, Hendrick, Howard, Ingraham, Kerns, McNutt, Mendenhall, Milburn, Miller, More, Nooney, Randall, Regier, Reichner, Sales, Smith, Sonju, Taylor, Vance, Vincent, Wagner, Warburton, Welborn, Mr. Speaker.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 399 Governor's Amendments, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: Bean, Bennett, Blasdel, Boniek, Butcher, Howard, Kasten, Kerns, McGillvray, Mendenhall, Milburn, Miller, Nooney, Randall, Sales, Smith, Taylor, Vance, Wagner.

Total 19

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 507 Free Conference Committee report, adopted in as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Augare, Brown, Caferro, Getz, Himmelberger, Pease-Lopez.

Total 6

Excused: None.

Total 0

Absent or not voting: Vincent.

Total 1

SJR 35 concurred in as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jopek, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 56

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock,

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Lake, McGillvray, Mendenhall, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 43

Excused: None.

Total 0

Absent or not voting: Boniek.

Total 1

MOTIONS

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **SB 119** and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. McAlpin, Vice Chair

Rep. Furey

Rep. Howard

Rep. Morgan

Rep. Campbell moved that the Speaker be authorized to appoint a Conference Committee on **SB 322** and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. Jopek, Vice Chair

Rep. Roundstone

Rep. Taylor

Rep. Butcher

Rep. Campbell moved that the Speaker be authorized to appoint a FREE Conference Committee on **SB 360** on and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. Menahan, Vice Chair

Rep. Noonan,

Rep. Klock

Rep. Milburn

Rep. Cohenour moved to dissolve the FREE Conference Committee on **HB 602**. Motion carried
Rep. Cohenour moved that the Speaker be authorized to appoint a FREE Conference Committee

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on **HB 602** and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. Cohenour, Vice Chair

Rep. French

Rep. Brown

Rep. Randall

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House recess until 1:30 p.m., Wednesday, April 22, 2009. Motion carried.

House recessed at 8:33 a.m.

House came to order at 1:32 p.m.

Roll Call. All members present, except Representative Boss Ribs, excused. Quorum present.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 602**
Report No. 0, April 8, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 602** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 602** (reference copy -- salmon) be amended as follows:

1. Page 1, line 11.

Following: "~~vehicle~~,"

Insert: ", including a highway patrol vehicle,"

2. Page 2, line 20.

Strike: "OR"

Insert: ", "

Following: "~~patrol~~"

Insert: ", or the highway patrol"

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3. Page 2, line 21.

Strike: subsection (3) in its entirety

For the House:

Shockley, Chairman
Balyeat
J. Tropila

For the Senate:

Cohenour, Chairman
Brown
French
Randall

MESSAGES FROM THE SENATE

Senate bills failed to concur in House amendments on 2nd reading.
4/22/2009

SB 30, introduced by Zinke

House bills concurred in and returned to the House: 4/22/2009

HB 52, introduced by McNutt

HB 108, introduced by Hollenbaugh

Governor's amendments to House bills concurred in and returned to the House: 4/22/2009

HB 85, introduced by Sands

HB 98, introduced by Di. Barrett

HB 483, introduced by Jones

HB 557, introduced by Belcourt

Conference Committee Report No.1 adopted: 4/22/2009

SB 263, introduced by Shockley

Free Conference Committee Report No.1 adopted: 4/22/2009

HB 331, introduced by Morgan

SB 507, introduced by Story

Governor's amendments to Senate bills concurred in and transmitted to the House for concurrence in the Governor's amendments:
4/22/2009

SB 171, introduced by Barkus

SB 400, introduced by Laslovich

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MESSAGES FROM THE GOVERNOR

April 22, 2009

The Honorable Robert Story
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 349, **"AN ACT CLARIFYING THAT CERTAIN CONFIDENTIAL OR PROPRIETARY INFORMATION SUBMITTED AS PART OF THE PUBLIC BIDDING OR PUBLIC CONTRACTING PROCESS FOR CERTAIN PUBLIC BUILDING AND PUBLIC HIGHWAY, ROAD, AND SIMILAR TRANSPORTATION PROJECTS IS NOT PUBLIC INFORMATION OPEN TO PUBLIC INSPECTION; AND AMENDING SECTIONS 18-2-503, 18-4-126, AND 60-2-137, MCA"** for the following reasons.

April 22, 2009

Senate Bill 349, sponsored by Senator Tutvedt, was introduced to address a perceived problem that state agencies will treat protected information, such as trade secret information, submitted to state agencies under Montana's procurement laws as though that information is public information. Senate Bill 349 was written to ensure that protected information is not disseminated by state agencies. The bill amends Montana procurement and construction statutes administered by the Department of Administration and also amends design-build statutes under laws administered by the Department of Transportation.

My objection to Senate Bill 349 is twofold. First, it reverses the "*constitutional presumption* that all documents of every kind in the hands of public officials are amendable to inspection, regardless of legislation. . . ." *Great Falls Tribune v. Montana Public Service Commission*, 2003 MT 359, ¶ 54, *quoting Associated Press, Inc. v. Montana Department of Revenue*, 2000 MT 160, ¶ 85. Second, it conflicts with current procurement statutes under Title 18, chapter 4, MCA.

Regarding the constitutional presumption, the *Great Falls Tribune* decision set forth the proper procedure to be used by state agencies that have in their possession information considered to be

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confidential. Specifically, the court rejected any conclusory, generalized statements that information is subject to protection (“mere representations” not sufficient), and required parties to make a particularized showing, through the submission of a supporting affidavit, and agencies to make particularized findings related to the claim of confidentiality. As stated by the court: “The claimant’s showing must be more than conclusory. It must be specific enough for the [agency], any objecting parties, and reviewing authorities to clearly understand the nature and basis of the . . . claims to the right of confidentiality.” The court also held that the governmental agency had the “affirmative duty” to review the claim of the third party and make an “independent determination whether the records are in fact property rights which warrant due process protection. . . .” *Id.* at ¶¶ 55-57. The court also clarified, however, that if the government agency requires the filing or production of trade secrets or other confidential information, “the information’s status as a trade secret or confidential proprietary information remains unchanged.” *Id.* at ¶ 60.

My concern with Senate Bill 349, as presented to me, is that the amendments to § 18-4-126, MCA, found in section 2 of the bill, authorize a blanket presumption of confidentiality based on the conclusory identification of the information as trade secret information by the person submitting the information, and this standard does not meet the detailed requirements set forth in *Great Falls Tribune*.

Regarding the conflict with other statutes, § 18-4-304, MCA (which is part of Montana’s procurement code, and is not amended in Senate Bill 349), provides that “proposal documents may be inspected by the public subject to [three specific limitations]”: matters covered by the Uniform Trade Secrets Act, matters involving individual safety as determined by the Department of Administration, and other constitutional protections. My amendments to section 3 of the bill (the new section, which will be renumbered section 1 if you adopt my amendments) track the language and exceptions already contained in current law, in § 18-4-304, MCA, and eliminate the conflict contained in the bill.

Finally, I want you to know that the Department of Administration already has in place procedures comporting with the decision of the court in *Great Falls Tribune* allowing parties submitting confidential, trade secret information in the procurement process to make a particularized showing of confidentiality by affidavit. The Department’s “Affidavit for Trade Secret Confidentiality” is located at <http://gsd.mt.gov/docs/Tradesecretaffidavit.doc>. A vendor must attach, through a separate affidavit, a particularized explanation of the validity of the trade secret claim.

My amendments to Senate Bill 349 would require the Department of Transportation to adopt a procedure similar to that used by the Department of Administration.

I ask for your support of these amendments.

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Sincerely,

BRIAN SCHWEITZER
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 349

1. Title, line 4.

Strike: "CLARIFYING THAT CERTAIN"

Insert: "REQUIRING THE DEPARTMENT OF ADMINISTRATION AND DEPARTMENT OF TRANSPORTATION TO PROVIDE INFORMATION TO CONTRACTORS AND PROSPECTIVE CONTRACTORS AS TO PROCEDURES THE CONTRACTORS MAY USE TO PROTECT FROM PUBLIC DISCLOSURE"

Strike: "OR PROPRIETARY"

2. Title, lines 7 and 8.

Strike: "IS NOT PUBLIC INFORMATION OPEN TO PUBLIC INSPECTION" on line 7

Following: "AMENDING" on line 7

Strike: remainder of line 7 through "AND" on line 8

Insert: "SECTION"

3. Page 1, line 12 through page 2, line 29.

Strike: sections 1 and 2 in their entirety

Renumber: subsequent sections

4. Page 3, line 2.

Strike: "OR GOVERNMENTAL BODY"

5. Page 3, lines 4 and 5.

Following: "DEPARTMENT" on line 4

Strike: remainder of line 4 through "BODY" on line 5

Following: "SECRETS"

Insert: ", "

Strike: "OR PROPRIETARY INFORMATION"

Insert: "matters involving individual safety as determined by the department, and other constitutionally protected information"

6. Page 3.

Following: line 17

Insert: "(b) The department shall provide to each prospective design-build contractor information similar to that provided by the department of administration to contractors

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and prospective contractors under [section 1], including a model affidavit."

Renumber: subsequent subsection

7. Page 3, lines 28 and 29.

Strike: subsection (6) in its entirety

8. Page 4, line 1.

Strike: "3"

Insert: "1"

9. Page 4, line 3.

Strike: "3"

Insert: "1"

- END -

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Becker in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 3 - Conference Committee Report No. 1 - Representative Ankney moved the Conference Committee report to **HB 3** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Bennett, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: B. Beck, Blasdel, Boniek, Brown, Driscoll, Ingraham, Kerns, Lake, Miller, Sales, Smith, Sonju, Vance, Vincent, Wagner.

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Total 15

Excused: None.

Total 0

Absent or not voting: Belcourt.

Total 1

SB 171 - Governor's Amendments - Representative K. Peterson moved Governor's amendments to **SB 171** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 51

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 400 - Governor's Amendments - Representative Becker moved Governor's amendments to **SB 400** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips,

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Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr.

Speaker.

Total 87

Nays: Butcher, Hawk, Kerns, Lake, Mendenhall, Randall, Regier, Sales, Smith, Wagner, Welborn.

Total 11

Excused: None.

Total 0

Absent or not voting: Sonju, Villa.

Total 2

HR 3 - Representative More moved **HR 3** do pass.

HR 3 - Speaker Bergren moved **HR 3** be amended.

Speaker Bergren withdrew his motion.

HR 3 - Representative Phillips move to close on **HR 3**. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Morgan, A. Noonan, P. Noonan, Nooney, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Steenson, Vance, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 67

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Butcher, Hendrick, Ingraham, Kasten, Kerns, McGillvray, Mendenhall, Milburn, Miller, More, O'Hara, Randall, Regier, Reichner, Smith, Sonju, Stahl, Stoker, Taylor, Vincent, Warburton, Wilson.

Total 28

Excused: Boss Ribs.

Total 1

Absent or not voting: Brown, Sales, Sesso, Wagner.

Total 4

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HR 3 - Representative More moved **HR 3** do pass. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.
Total 50

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 50

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 498 - Representative Phillips moved **SB 498** be concurred in.
SB 498 - Speaker Bergren moved to close on **SB 498**. Motion carried

SB 498 - Representative Phillips moved **SB 498** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Campbell, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sands, Sesso, Smith, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 77

Nays: B. Beck, Bennett, Blasdel, Boniek, Brown, Caferro, Cohenour, Driscoll, Hendrick, Himmelberger, Howard, Kasten, MacDonald, Morgan, Nooney, Reinhart, Sales, Sonju, Stahl, Vance, Vincent, Warburton, Wiseman.
Total 23

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Becker moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: B. Beck, Bennett, Blasdel, Boniek, Hendrick, Kasten, Kerns, McGillvray, Miller, More, Regier, Sales, Vance, Vincent.

Total 14

Excused: Boss Ribs.

Total 1

Absent or not voting: Ankney, Himmelberger, McChesney, Villa.

Total 4

MESSAGES FROM THE SENATE

SB 30 - The Senate failed to concur in House amendments to **SB 30**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 30**:

4/22/2009

Senator Zinke, Chair

Senator Perry

Senator Laslovich

MOTIONS

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Rep. Campbell moved that the Speaker be authorized to appoint a FREE Conference Committee on SJR 30 and request the Senate to appoint a like Committee.

The Speaker Appoints:

Rep. Hunter, Vice Chair

Rep. Boland

Rep. Beck

Rep. Mendenhall

Rep. Belcourt moved that **SJR 19** be taken from committee and be placed on 2nd reading on the 87th Legislative Day. Motion requires a 3/5 majority vote. Motion carried as follows:

Representative Belcourt withdrew his motion.

ANNOUNCEMENTS

Representative Campbell moved that the House adjourn until 8:30 a.m. on the 87th Legislative Day, Wednesday, April 23, 2009. Motion carried.

House adjourned at 3:25 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
EIGHTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
April 23, 2009

House Chambers
State Capitol

House convened at 8:36 a.m. Mr. Speaker in the Chair. Invocation by B. Beck. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 119**
Report No. 1, April 22, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 119** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 119** (reference copy -- salmon) be amended as follows:

1. Page 6, line 18.

Strike: "AND AVAILABLE RESOURCES"

For the Senate:

Senator Esp, Chairman
Senator Lewis
Senator Schmidt

For the House:

Representative McAlpin, Chairman
Representative Furey
Representative Morgan
Representative Howard

MESSAGES FROM THE GOVERNOR

April 23, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Robert Story, Jr.
President of the Senate

STATE INTERNET/BBS COPY

State Capitol
Helena, MT 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 52, **“AN ACT ESTABLISHING A GROUND WATER INVESTIGATION PROGRAM; PROVIDING FOR PRIORITIZATION OF SUBBASINS BY THE GROUND WATER ASSESSMENT STEERING COMMITTEE; ADDING A MEMBER OF THE DEVELOPMENT COMMUNITY TO THE GROUND WATER ASSESSMENT STEERING COMMITTEE; PROVIDING A CONTINGENT APPROPRIATION FOR THE PROGRAM; AMENDING SECTION 2-15-1523, MCA; AND PROVIDING AN EFFECTIVE DATE.”**

House Bill 52 establishes a ground water investigation program under the guidance of the existing ground water assessment steering committee. The information collected through this program will be invaluable in developing plans and models for Montana subbasins that are current, comprehensive, and accurate to assist the state in planning for agricultural, industrial, and development uses, as well as conservation and ecological protection.

My proposed amendment restores one-time-only funding in the amount of \$4.2 million, as originally requested by the interim Water Policy Committee, for this important mission.

I have discussed my proposed amendment with the sponsor of the bill, Rep. McNutt, who supports the amendment.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

GOVERNORS AMENDMENTS
TO HOUSE BILL 52

1. Page. 2, line 25.
Strike: "\$900,000"
Insert: "\$4.2 million"

2. Page 2, line 30.
Strike: "\$900,000"
Insert: "\$4.2 million"

- END -

April 23, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 123, **“AN ACT REDUCING THE STATUTORY APPROPRIATIONS FOR THE GROWTH THROUGH AGRICULTURE PROGRAM AND FOR RESEARCH AND COMMERCIALIZATION PROJECTS; EXTENDING THE TERMINATION DATE FOR CERTAIN ALLOCATIONS AND STATUTORY APPROPRIATIONS OF THE INTEREST INCOME FROM \$140 MILLION OF THE COAL SEVERANCE TAX PERMANENT FUND; AMENDING SECTION 15-35-108, MCA, SECTION 3, CHAPTER 481, LAWS OF 2003, AND SECTION 6, CHAPTER 481, LAWS OF 2003; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.”**

House Bill 123, sponsored by Rep. Llew Jones, extends for 10 years (from 2009 to 2019) the sunset of the growth through agriculture program and the research and commercialization projects funded through interest income from certain of the coal severance tax permanent fund, which otherwise would be deposited in the general fund. The bill also reduces the funding of these programs from their current level by half.

The Senate amended the bill to restore the funding of these programs to their current level beginning July 1, 2012, or for fiscal year 2013. My amendment restores the bill to its introduced version. My amendment will save the general fund \$3 million in the 2013 biennium and through the extended life of this legislation. Given our current fiscal challenges, I believe limiting the funding for these valuable but non-essential programs is the economically prudent thing to do.

I ask for your support of my amendments.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

GOVERNORS AMENDMENTS
TO HOUSE BILL 123

1. Title, lines 10 and 11.

Following: "DATES" on line 10

Strike: remainder of line 10 through "DATE" on line 11

2. Page 4, line 8.

Following: "2"

Strike: " ² "

Insert: "and"

Following: "3"

Strike: ", AND 5"

3. Page 4, line 10.

Strike: section 5 in its entirety

- END -

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Mr. Speaker in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 602 - Conference Committee Report No. 1 - Representative Cohenour moved the Conference Committee report to **HB 602** be adopted. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Ankney.
Total 1

Excused: None.
Total 0

Absent or not voting: Hiner.
Total 1

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Mr. Speaker moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Bennett, Himmelberger.
Total 2

MOTIONS

Representative Campbell moved that the Conference Committee be dissolve on **HB 676**. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 51

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Taylor moved that the Governors Veto on **HB 533** be overridden. Motion requires 2/3 majority. Motion **failed** as follows:

Yeas: Arntzen, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Fleming, Getz, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Warburton, Washburn, Welborn.

Total 51

Nays: Ankney, Augare, Barrett, P. Beck, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, French, Furey, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wagner, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

House Republicans will caucus upon recess.

MOTIONS

Rep. Campbell moved that the Speaker be authorized to appoint a FREE Conference Committee on Senate Bill 171 and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. Kottel, Vice Chair

Rep. Blewett

Rep. Peterson

Rep. Regier

Representative Campbell moved that the House recess until 1:00 p.m., Thursday, April 23, 2009. Motion carried.

House recessed at 9:05 a.m.

House came to order at 1:02 p.m.

Roll Call. All Members Present. Quorum present.

Sgt.-at-Arms Tensley informed the Speaker that the Honored guests await outside the chamber. Mr. Speaker directed Sgt.-at-Arms Tensley to escort the Legislative Staff into the chamber and into the well of the House.

Mr. Speaker thanked the Legislative Staff for all of their dedication and hard work.

Sgt.-at-Arms Tensley escorted the Legislative Staff from the House chambers.

CONFERENCE COMMITTEE on House Amendments to **Senate Bill 418** Report No. 1, April 23, 2009

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 418** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 418** (reference copy -- salmon) be amended as follows:

1. Page 9.

Following: line 13

Insert: "NEW SECTION. **Section 9. Coordination instruction.** If House Bill No. 261 is not passed and approved, then [section 3 of this act], amending 15-30-136, is void."

2. Page 9, line 17.

Strike: "10(2)"

Insert: "11(2)"

For the Senate:

Brown, Chairman
Branae
Essman

For the House:

Cohenour, Chairman
Barrett
Lake
Taylor

MESSAGES FROM THE SENATE

House bill concurred in and returned to the House: 4/23/2009

HB 154, introduced by Bergren

Governor's amendments to House bill concurred in and returned to the House: 4/23/2009

HB 536, introduced by Malek

Free Conference Committee Report No.1 passed on 2nd reading: 4/23/2009

HB 3, introduced by Ankney

HB 602, introduced by Cohenour

Free Conference Committee Report No.1 adopted: 4/23/2009

HB 331, introduced by Morgan

Governor's amendments to Senate bills failed to concur in and transmitted to the House:
4/23/2009

SB 349, introduced by Tutvedt

Governor's amendments to Senate bills concurred in and transmitted to the House for concurrence in the Governor's amendments:

SB 465, introduced by Bradley

MOTIONS

Rep. Campbell moved that the Conference Committee on **SB 322** be dissolved and that the Speaker be authorized to appoint a FREE Conference Committee on **SB 322**.

The Speaker Appoints:

Rep. Jopek, Vice Chair
Rep. French
Rep. Taylor
Rep. Butcher

Rep. Belcourt moved to suspend the rules and that **SB 498** be moved from 3rd reading to 2nd reading in order to place an amendment on the bill on this the 87th Legislative Day. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative B. Beck in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 119 - Conference Committee Report No. 1 - Representative Morgan moved the Conference Committee report to **SB 119** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Blasdel, Brown, Kasten, Kerns, Sales, Sonju.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 52 - Governor's Amendments - Representative McNutt moved Governor's amendments to **HB 52** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty,

McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Vincent, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 65

Nays: Arntzen, Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stoker, Taylor, Vance, Wagner, Warburton, Washburn.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 123 - Governor's Amendments - Representative Jones moved Governor's amendments to **HB 123** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 84

Nays: Barrett, Belcourt, Boniek, Caferro, Dickenson, Fleming, French, Hands, Hoven, Lake, MacDonald, A. Noonan, Reinhart, Stahl, Warburton, Wiseman.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 349 - Governor's Amendments - Representative Sonju moved Governor's amendments to **SB 349** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher,

Ebinger, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 52

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 465 - Governor's Amendments - Representative Cohenour moved Governor's amendments to **SB 465** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 39 - Representative K. Peterson moved **SJR 39** do pass. Motion carried as follows:

Yeas: Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kerns, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Mr. Speaker.
Total 79

Nays: Ankney, Augare, Belcourt, Boss Ribs, Caferro, Campbell, Glaser, Hendrick, Himmelberger, Jones, Kasten, Klock, McGillvray, Mendenhall, Miller, Nooney, Pease-Lopez, Vance, Vincent, Welborn, Wiseman.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

The House stood at ease.

SB 498 - Representative Phillips moved **SB 498** do pass.

SB 498 - Representative Belcourt moved **SB 498** be amended as follows.

1. Page 2, line 18.

Strike: "OR"

2. Page 2, line 21.

Following: "SECTION]"

Insert: "; or

(e) apply within the exterior boundaries of any federally recognized Indian reservation within the state of Montana unless the governing body of the tribe adopts a carbon sequestration law and enters into a cooperative agreement with the state"

Motion carried as follows.

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren,

Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 97

Nays: Himmelberger, McGillvray, Wiseman.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 498 - Representative Phillips moved **SB 498** as amended, do pass. Motion carried as follows.

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Berry, Boland, Boss Ribs, Butcher, Campbell, Dickenson, Ebinger, Fleming, French, Furey, Glaser, Hamilton, Hawk, Henry, Hiner, Hollandsworth, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacLaren, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Regier, Reichner, Roberts, Sesso, Smith, Steenson, Stoker, Villa, Washburn, Welborn, Mr. Speaker.

Total 61

Nays: Becker, Bennett, Blasdel, Blewett, Boniek, Brown, Caferro, Cohenour, Driscoll, Getz, Grinde, Hands, Hendrick, Himmelberger, Hollenbaugh, Howard, Kasten, MacDonald, Malek, McGillvray, Morgan, Pomnichowski, Randall, Reinhart, Roundstone, Sales, Sands, Sonju, Stahl, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Wilmer, Wiseman.

Total 37

Excused: None.

Total 0

Absent or not voting: Miller, Wilson.

Total 2

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman B. Beck moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Belcourt, Bennett, Berry, Blewett,

Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Wagner, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 86

Nays: Becker, Blasdel, Hendrick, Himmelberger, Kasten, McGillvray, Miller, Randall, Sales, Vance, Vincent, Warburton, Wiseman.

Total 13

Excused: None.

Total 0

Absent or not voting: B. Beck.

Total 1

MOTIONS

Rep. Driscoll moved that her vote be changed to a '**NO**' vote on **SB 498**. Motion carried.

Rep. Belcourt moved to suspend the rules and place **SB 498** on 3rd reading on this the 87th Legislative Day. Motion carried.

Rep. Belcourt moved that **SJR 19** be taken from the Fish, Wildlife and Parks Committee and be placed on 2nd reading on the 88th Legislative Day. Motion requires 3/5 majority vote. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Campbell, Dickenson, Fleming, French, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Warburton, Washburn, Welborn, Mr. Speaker.

Total 69

Nays: P. Beck, Becker, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Driscoll, Ebinger, Furey, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Ingraham, MacDonald, Malek, McAlpin, Menahan, Pomnichowski, Reinhart, Roundstone, Sands, Steenson, Van Dyk, Villa, Wagner, Wilmer, Wilson, Wiseman.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Berry moved that **SB 510** be taken from the House Taxation Committee and be placed on 2nd reading on the 88th Legislative Day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Augare, B. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Ebinger, Glaser, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Stahl, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson.

Total 58

Nays: Barrett, Bean, P. Beck, Becker, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hollenbaugh, Hunter, Kottel, Lake, MacDonald, Malek, McAlpin, Menahan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Steenson, Stoker, Wilmer, Wiseman, Mr. Speaker.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 3 Free Conference Committee report, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker,

Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr.
Speaker.
Total 78

Nays: Bean, Blasdel, Boniek, Boss Ribs, Brown, Hendrick, Ingraham, Kasten, Kerns,
Mendenhall, Miller, More, Morgan, Randall, Regier, Sales, Smith, Sonju, Vance, Vincent,
Wagner.
Total 22

Excused: None.
Total 0

Absent or not voting: McChesney.
Total 1

HB 331 Free Conference Committee report, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry,
Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll,
Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick,
Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham,
Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin,
McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn,
Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips,
Pomnichowski, Regier, Reinhart, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker,
Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr.
Speaker.
Total 86

Nays: Bennett, Blasdel, Boniek, Brown, Kerns, More, Randall, Reichner, Roberts, Sales, Sonju,
Vance, Vincent.
Total 13

Excused: None.
Total 0

Absent or not voting: Welborn.
Total 1

SB 235 Governor's Amendments, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry,
Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll,
Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry,
Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock,

Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 80

Nays: Boniek, Butcher, Hawk, Himmelberger, Ingraham, Kerns, Lake, Mendenhall, Miller, More, Nooney, Randall, Reichner, Sales, Sonju, Vance, Vincent, Wagner, Wiseman.

Total 19

Excused: None.

Total 0

Absent or not voting: B. Beck.

Total 1

SB 290 Governor's Amendments, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Hawk, Hendrick, Himmelberger, Kasten, Kerns, Lake, Mendenhall, Miller, Randall, Sales, Wagner.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 371 Governor's Amendments, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey,

Getz, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wiseman, Mr. Speaker.

Total 82

Nays: Becker, Bennett, Berry, Blewett, Boland, Caferro, Cohenour, Hawk, Kasten, Kerns, Mendenhall, More, Peterson, Reinhart, Vincent, Wagner, Wilson.

Total 17

Excused: None.

Total 0

Absent or not voting: Glaser.

Total 1

SB 400 Governor's Amendments, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: Blasdel, Boniek, Butcher, Hawk, Kasten, Kerns, Lake, Mendenhall, More, Randall, Sales, Sonju, Wagner, Welborn.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 446 Governor's Amendments, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett,

Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 72

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, Randall, Regier, Sales, Sonju, Vance, Vincent, Wagner, Warburton.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 498 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Belcourt, Berry, Boland, Boss Ribs, Butcher, Campbell, Dickenson, Ebinger, French, Furey, Glaser, Hamilton, Hawk, Henry, Hiner, Hollandsworth, Hoven, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Regier, Reichner, Roberts, Sesso, Smith, Steenson, Stoker, Villa, Wagner, Washburn, Welborn, Mr. Speaker.

Total 59

Nays: P. Beck, Becker, Bennett, Blasdel, Blewett, Boniek, Brown, Caferro, Cohenour, Driscoll, Fleming, Getz, Grinde, Hands, Hendrick, Himmelberger, Hollenbaugh, Howard, Hunter, Kasten, MacDonald, McGillvray, Menahan, Morgan, Nooney, Pomnichowski, Randall, Reinhart, Roundstone, Sales, Sands, Sonju, Stahl, Taylor, Vance, Van Dyk, Vincent, Warburton, Wilmer, Wilson, Wiseman.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Hendrick rose on a point of order to move to have his vote changed on **HB 3** to a 'NO'.
Motion carried.

Rep. Beck rose on a point of order to move to have his vote changed on **HB 3** to a '**YES**'. Motion carried.

Rep. Roundstone rose on a point of order to move to have his vote changed on **HB 3** to a '**YES**'. Motion carried.

Rep. Reinhart rose on a point of order to move to have her vote changed on **SB 371** to a '**NO**'. Motion carried.

Rep. Wilson rose on a point of order to move to have his vote changed on **SB 371** to a '**NO**'. Motion carried.

SPECIAL ORDERS OF THE DAY

Representative Himmelberger rose on a point of order to address his concerns about other members disrespecting the Montana House or Representatives.

Representative Campbell moved that the House adjourn until 8:30 a.m., Friday, April 24, 2009. Motion carried.

House adjourned at 2:15 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
EIGHTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
April 24, 2009

House Chambers
State Capitol

House convened at 8:30 a.m. Mr. Speaker in the Chair. Invocation by Rep. Pease-Lopez. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Stoker, excused. Quorum present.

Mr. Speaker introduced and thanked the pages for the week: Dalson Allen (Helena), Shelisa Craig (Carter), Aaron Darrow (Hamilton), Austin Feiss (Helena), Riley Griffin (Helena), Libby Gurnett (Helena).

REPORTS OF SELECT COMMITTEES

**FREE CONFERENCE COMMITTEE
on Senate Bill 322
Report No. 1, April 23, 2009**

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 322** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 322** (reference copy -- salmon) be amended as follows:

1. Title, line 7 through line 8.

Strike: "APPLICATION" on line 7 through "FEES" on line 8

Insert: "REGISTRATION PROVISIONS"

2. Page 1, line 15.

Strike: "WHO IS NOT A HOBBYIST BEEKEEPER AND IS"

3. Page 2, line 27.

Strike: "A"

Insert: "Except as provided in 80-6-114, a"

4. Page 3, line 4.

Strike: "(I)"

Strike: "EXCEPT AS PROVIDED IN SUBSECTION (2)(B)(II), THE"

Insert: "The"

5. Page 3, line 7.

Strike: subsection (ii) in its entirety

6. Page 9, line 22.

Following: "~~VOLUNTARY~~"

Insert: "-- voluntary"

7. Page 9.

Following: line 25

Insert: "(1) A hobbyist apiary site is exempt from the registration provisions of this part, but a hobbyist beekeeper may voluntarily register with the department under this section. A hobbyist beekeeper voluntarily registering a site shall pay any required registration fee but is not required to reregister pursuant to 80-6-102."

Renumber: subsequent subsections

8. Page 13, line 26.

Strike: "A"

Insert: "Except as provided in subsection (2), a"

9. Page 13, line 28.

Strike: "\$25,000"

Insert: "\$1,000"

10. Page 14.

Following: line 5

Insert: "(2) (a) A person violating or aiding in the violation of the provisions 80-6-202 is subject to an administrative civil penalty of not more than \$10,000 for each offense. Assessment of a penalty under this subsection (2)(a) may be made in conjunction with any other warning, order, or administrative action that is issued by the department under this part. The proceeds of an administrative civil penalty must be deposited in the state special revenue account provided for in 80-6-315.

(b) A person who is assessed a penalty for violating 80-6-315 is also subject to payment of costs incurred by the department for inspections or investigations related to the violation."

Renumber: subsequent subsections

For the Senate:

Curtiss, Chairman
Hinkle
Windy Boy

For the House:

Jopek, Chairman
French
Taylor
Butcher

FREE CONFERENCE COMMITTEE
on Senate Joint Resolution 30
Report No. 1, April 23, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Joint Resolution 30** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Joint Resolution 30** (reference copy -- salmon) be amended as follows:

1. Title, line 6.

Following: "SYSTEM"

Insert: "AND LAWS RELATED TO THE MONTANA STATE FUND"

2. Title, line 7.

Following: "DRIVERS"

Insert: "AND THE MONTANA STATE FUND"

3. Page 1, line 23.

Following: "COMPENSATION"

Insert: "; and

WHEREAS, a February 2009 Legislative Audit Division report concluded that legal compliance risks faced by the Montana State Fund may be higher because of an internal and external lack of regulatory oversight mechanisms, which is of potential significance because of Montana State Fund's current market dominance of 67% of a market that is shared with private carriers providing workers' compensation insurance, excluding self-insured employers; and

WHEREAS, statutory direction for the Montana State Fund to operate as a self-sustaining business in a manner similar to that of a privately operated mutual insurance business has resulted in the Montana State Fund developing compensation and incentive plans and premium and other performance measures similar to those of private companies"

4. Page 2, line 11.

Following: "COMPENSATION"

Insert: ";

(6) structural issues in Montana, particularly as they relate to the three-tiered system involving self-insurers, private carriers, and the Montana State Fund"

5. Page 2, following line 23.

Insert: "BE IT FURTHER RESOLVED, that the study examine the operation and structure of the Montana State Fund, the Montana State Fund's relationship with state government and other insurers, and state oversight of the Montana State Fund."

For the Senate:

Zinke, Chairman
Perry
Laslovich

For the House:

Hunter, Chairman
Beck
Boland
Mendenhall

MESSAGES FROM THE SENATE

SB 322 - The Senate acceded to the request of the House, dissolved the Conference Committee on Senate amendments to **SB 322**, and authorized the President to appoint the following **Free** Conference Committee to confer on **SB 322**:

4/24/2009

Senator Curtis, Chair
Senator Hinkle
Senator Windy Boy

Conference Committee Report No.1 passed 2nd reading:

4/23/2009

SB 119, introduced by Esp

MESSAGES FROM THE GOVERNOR

April 23, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 11, **“AN ACT APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR FINANCIAL ASSISTANCE TO LOCAL GOVERNMENT INFRASTRUCTURE PROJECTS THROUGH THE TREASURE STATE ENDOWMENT PROGRAM; AUTHORIZING GRANTS FROM THE TREASURE STATE ENDOWMENT STATE SPECIAL REVENUE ACCOUNT; PLACING CONDITIONS UPON GRANTS AND FUNDS; APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR EMERGENCY GRANTS; APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR PRELIMINARY ENGINEERING GRANTS; APPROPRIATING MONEY FROM THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM STATE SPECIAL REVENUE ACCOUNT TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR FINANCIAL ASSISTANCE TO REGIONAL WATER AUTHORITIES FOR REGIONAL WATER PROJECTS; TERMINATING CERTAIN PRIOR TREASURE STATE**

ENDOWMENT GRANTS; AMENDING SECTION 90-6-701, MCA, AND SECTION 1, CHAPTER 383, LAWS OF 2007; AND PROVIDING EFFECTIVE DATES.”

My amendments are to correct a clerical error to an internal section reference in House Bill 11, the TSEP bill. I ask for your support.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

**GOVERNOR'S AMENDMENTS
TO HOUSE BILL 11**

1. Page 1, line 24.

Strike: "7"

Insert: "11"

- END -

April 23, 2009

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 507, **“AN ACT GENERALLY REVISING AND CLARIFYING LAWS RELATED TO THE TREATMENT OF PROPERTY CONSISTING OF THE BED OF NAVIGABLE RIVERS; REQUIRING AUTHORIZATION FROM THE BOARD OF LAND COMMISSIONERS FOR USES ON THE BEDS OF NAVIGABLE RIVERS; REQUIRING THE BOARD OF LAND COMMISSIONERS TO ADOPT RULES FOR PROVIDING EASEMENTS, LEASES, OR LICENSES FOR USES ON THE BEDS OF NAVIGABLE RIVERS; RESTRICTING**

REQUIREMENTS FOR INSURANCE OR INDEMNITY; CLARIFYING THE AUTHORITY OF THE BOARD OF LAND COMMISSIONERS TO GRANT EASEMENTS; REQUIRING THE STATE TO SURVEY RIVERS AND STREAMS ADJUDICATED AS NAVIGABLE FOR TITLE PURPOSES; AND AMENDING SECTION 77-2-101, MCA.”

Senate Bill 507 addresses the regulatory authority of the Department of Natural Resources and Conservation (“DNRC”) over the use of the beds of navigable waters, with certain exceptions such as uses existing prior to statehood and uses associated with hydroelectric sites. The bill limits the DNRC’s regulatory authority to only those rivers adjudicated as navigable or meandered by federal surveyors at or near the time of statehood.

In the process of navigating its way through the legislature, Senate Bill 507 was amended to prohibit DNRC from requiring a prospective lessor, licensee, or easement holder to obtain liability insurance as a condition for issuance of the lease, license, or easement. My amendment removes this prohibition. I do not believe the prohibition makes good business sense, I object to the absolute nature of the prohibition, and I do not believe it makes good fiscal sense for the State of Montana.

I have discussed my proposed amendments with the bill’s sponsor, Senator Story, who supports them. I ask for your support, as well.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

**GOVERNOR'S AMENDMENTS
TO SENATE BILL 507**

1. Title, line 9

Strike: “RESTRICTING REQUIREMENTS FOR INSURANCE”

2. Page 4, line 29

Strike “– PROHIBITION”

Strike: “(1)”

3. Page 5, line 2

Strike: “(A)”

Insert: “(1)”

4. Page 5, line 4

Strike: “(B)”

Insert: "2"

5. Page 5, line 6

Strike: "(C)"

Insert: "(3)"

6. Page 5, line 14 through line 18

Strike: subsection 2 in its entirety

– END –

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pomnichowski in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJR 19 - Representative K. Peterson moved **SJR 19** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Driscoll, Ebinger, Fleming, French, Getz, Glaser, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 78

Nays: Barrett, Blewett, Caferro, Cohenour, Dickenson, Furey, Grinde, Hamilton, Hands, Hawk, Henry, Hollenbaugh, MacDonald, Malek, McAlpin, Menahan, Phillips, Pomnichowski, Reinhart, Steenson, Van Dyk, Wiseman.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 418 - Conference Committee Report No. 1 - Representative McNutt moved the Conference Committee report to **SB 418** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Smith.

Total 1

Excused: None.

Total 0

Absent or not voting: Glaser.

Total 1

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chair Pomnichowski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: None.

Total 0

Excused: Stoker.

Total 1

Absent or not voting: Arntzen, Howard, Mendenhall.

Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 52 Governor's amendments concurred, as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 69

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Caferro, Getz, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Randall, Reichner, Sales, Smith, Sonju, Taylor, Vance, Wagner.

Total 28

Excused: Stoker.

Total 1

Absent or not voting: B. Beck, Howard.

Total 2

HB 123 Governor's amendments concurred, as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Furey, Glaser, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Reichner, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 76

Nays: Becker, Boland, Boniek, Caferro, Dickenson, Fleming, French, Getz, Grinde, Hands, Kerns, Lake, MacDonald, Malek, McClafferty, Miller, Morgan, Pease-Lopez, Regier, Reinhart, Sales, Wagner, Wiseman.

Total 23

Excused: Stoker.

Total 1

Absent or not voting: None.

Total 0

HB 602 Free Conference Committee adopted, as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Ankney, Hendrick, Mendenhall, Miller.

Total 4

Excused: Stoker.

Total 1

Absent or not voting: Himmelberger.

Total 1

SB 119 Conference Committee adopted, in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith,

Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Bean, Blasdel, Kerns, Mendenhall, Sales, Sonju, Wagner.

Total 7

Excused: Stoker.

Total 1

Absent or not voting: None.

Total 0

SB 465 Governor's amendments, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Stoker.

Total 1

Absent or not voting: None.

Total 0

SJR 39 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kerns, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez,

Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Mr. Speaker.

Total 84

Nays: Augare, Caferro, Campbell, Hendrick, Himmelberger, Jones, Kasten, Klock, McGillvray, Mendenhall, Miller, Vance, Vincent, Welborn, Wiseman.

Total 15

Excused: Stoker.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Rep. Boland moved to have her vote changed on **HB 123**.

Rep. Mendenhall objected to the motion.

Motion **failed**.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House recess until 1:00 p.m., Saturday, April 25, 2009.
Motion carried.

House recessed at 9:11 a.m.

House came to order at 1:05 p.m.

Roll Call. All members present, except Representative Stoker, excused. Quorum present.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE on Senate Bill 171

Report No. 1, April 24, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 171** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 171** (reference copy -- salmon) be amended as follows:

1. Page 1, line 13.

Strike: the first "\$500"

Insert: "\$1,000"

Strike: the second "\$500"

Insert: "\$1,000"

2. Page 1, line 24.

Following: "COURT"

Insert: "pursuant to 46-18-201(5) and 46-18-241 through 46-18-249"

3. Page 1, line 25 through line 28.

Strike: ""UPON" on line 25 through "CONVICTED."

For the Senate:

Barkus, Chairman

Jent

Perry

For the House:

Kottel, Chairman

Blewett

Peterson

Regier

MESSAGES FROM THE SENATE

SB 171 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 171**:

4/24/2009

Senator Barkus, Chair

Senator Perry

Senator Jent

House bill passed and transmitted to the House for concurrence:

4/24/2009

HB 674, introduced by Vincent

House joint resolution passed and transmitted to the House for concurrence:

4/24/2009

HJR 39, introduced by P. Noonan

House joint resolution not concurred in and returned to the House: 4/24/2009

HJR 43, introduced by Wiseman

Conference Committee Report No.1 adopted: 4/24/2009

SB 119, introduced by Esp

Free Conference Committee Report No.1 adopted: 4/24/2009

HB 3, introduced by Ankney

HB 602, introduced by Cohenour

Free Conference Committee Report No.1 passed 2nd Reading: 4/24/2009

SJR 30, introduced by Zinke

Conference Committee Report No.1 passed 2nd Reading: 4/24/2009

SB 418, introduced by Branae

Sgt.-at-Arms Tensley announced that the Legislative Audit Staff awaits outside the House Chambers

Mr. Speaker directed Sgt.-at-Arms Tensley to escort the Legislative Audit Staff into the House Chambers.

Mr. Speaker thanked the Legislative Audit Staff.

Mr. Speaker directed Sgt.-at-Arms Tensley to escort the Legislative Audit Staff from the House Chambers.

MESSAGES FROM THE GOVERNOR

April 23, 2009

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Bob Bergren
Speaker of the House

State Capitol
Helena, MT 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 65, **“AN ACT GENERALLY REVISING TRUST LAND FUNDING LAWS; DEFINING "DISTRIBUTABLE REVENUE"; PROVIDING A NEW FUNDING FORMULA; REVISING LAWS GOVERNING TRUST LAND ADMINISTRATION ACCOUNTS AND THEIR USES; CREATING AN EARNINGS RESERVE ACCOUNT; CREATING THE FOREST IMPROVEMENT ACCOUNT; ELIMINATING THE RESOURCE DEVELOPMENT ACCOUNT, THE RECREATIONAL USE ACCOUNT, THE STATE TIMBER SALE ACCOUNT, AND THE STATE SPECIAL REVENUE ACCOUNT FOR COMMERCIAL LEASING RENTAL PAYMENTS; TRANSFERRING UNENCUMBERED BALANCES; REQUIRING THE BOARD OF REGENTS TO DESIGNATE HOW CERTAIN TIMBER SALE PROCEEDS ARE DISTRIBUTED; AMENDING SECTIONS 17-2-107, 17-3-1003, 18-2-107, 20-9-341, 20-9-620, 20-25-422, 77-1-101, 77-1-108, 77-1-109, 77-1-127, 77-1-605, 77-1-613, 77-1-802, 77-1-808, 77-1-809, 77-1-810, 77-1-815, 77-1-905, 77-2-328, 77-2-362, 77-5-204, AND 77-5-219, MCA; REPEALING SECTIONS 77-1-602, 77-1-604, 77-1-606, 77-1-607, 77-1-608, AND 77-1-609, MCA; AND PROVIDING AN EFFECTIVE DATE.”**

Senate Bill 65, sponsored by Senator Hawks, generally revises trust land funding laws by changing the statutory limits for the funding of administrative costs and consolidating numerous funding sources.

The purpose of my amendment is to restore Senate Bill 65 back to its original version as introduced and requested by the Department of Natural Resources and Conservation (“DNRC”). The bill was amended in the House to shift almost \$4 million onto the state’s general fund from mineral royalties to pay for DNRC’s trust administration costs beginning in fiscal year 2014. Given the economic situation, I do not believe this is the time to support such a significant cost-shift onto the general fund, despite the fact that the cost-shift would not occur until July 1, 2013.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

GOVERNOR'S AMENDMENT
TO SENATE BILL 2365

1. Page 8, line 15.

Strike: "25"

Insert: "23"

2. Page 8, line 22.

Strike: "25"

Insert: "23"

3. Page 9, lines 9 through 11.

Following: "DIFFERENCE." on line 9

Strike: remainder of line 9 through line 11 in their entirety

4. Page 9, line 13 through page 10, line 29.

Strike: section 9 in its entirety

Renumber: subsequent sections

5. Page 12, line 5 through page 13, line 7.

Strike: section 11 in its entirety

Renumber: subsequent subsections

6. Page 21, line 19.

Strike: "26"

Insert: "24"

7. Page 23, line 5.

Strike: "25"

Insert: "23"

8. Page 23, line 18.

Strike: "25"

Insert: "23"

9. Page 23, line 20.

Strike: "25"

Insert: "23"

10. Page 23, line 22.

Strike: "26"

Insert: "24"

11. Page 23, line 24.

Strike: "26"

Insert: "24"

12. Page 23, line 26.

Following: "actj"

Strike: remainder of line 26 in its entirety

Insert: "[This"

13. Page 23, line 28.

Strike: subsection (2) in its entirety

- END -

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pomnichowski in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Rep. Sesso moved that **HB 11** be placed at the bottom of the board. Motion carried.

SB 322 - Free Conference Committee Report No. 1 - Representative Roundstone moved the Conference Committee report to **SB 322** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Bean, Caferro, Fleming, Hendrick, Kasten, Kerns, Nooney, Randall.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 30 - Free Conference Committee Report No. 1 - Representative Hunter moved the Conference Committee report to **SJR 30** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 86

Nays: Bean, Berry, Butcher, Hawk, Hendrick, Kerns, Lake, McNutt, Nooney, Peterson, Randall, Taylor, Vance.
Total 13

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

HB 11 - Governor's Amendments - Representative Sesso moved Governor's amendments to **HB 11** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Boniek, Hendrick, Ingraham, Kasten, McGillvray, Randall, Sales, Smith, Wagner.
Total 9

Excused: None.
Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Pomnichowski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kerns, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Berry, Hendrick, Kasten, Klock, McGillvray, Mendenhall, Randall, Sales, Sonju, Vance, Warburton.

Total 11

Excused: Stoker.

Total 1

Absent or not voting: Jones.

Total 1

MOTIONS

Rep. Berry moved to take **SB 510** from the Taxation Committee and be placed on 2nd Reading on this the 88th Legislative Day. Motion requires 3/5 majority vote. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Campbell, Ebinger, French, Getz, Glaser, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 67

Nays: Barrett, Becker, Blewett, Boland, Caferro, Cohenour, Dickenson, Driscoll, Fleming, Furey, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Kasten, Lake, MacDonald, Malek,

McAlpin, Menahan, Miller, Pease-Lopez, Pomnichowski, Reinhart, Roundstone, Sands, Stahl, Steenson, Wiseman.
Total 31

Excused: Stoker.
Total 1

Absent or not voting: Washburn.
Total 1

ANNOUNCEMENTS

Representative Campbell moved that the House recess until 4:00 p.m., Saturday, April 25, 2009.
Motion carried.

House recessed at 1:33 p.m.

House came to order at 4:01 p.m.

Roll Call. All members present, except Representative Ankney, Stoker, excused. Quorum present.

COMMUNICATIONS AND PETITIONS

The House Journals from the 53rd to the 64th day have been reviewed and found to be correct and have been filed with the Secretary of State.

MESSAGES FROM THE SENATE

Free Conference Committee Report No.1 passed 2nd Reading: 4/24/2009

SB 322, introduced by Curtiss

House amendments to Senate bill concurred in: 4/24/2009

SB 498, introduced by Bales

Conference Committee Report No.1 adopted: 4/24/2009

SB 418, introduced by Branae

Free Conference Committee Report No.1 adopted: 4/24/2009

SJR 30, introduced by Zinke

HB 371 - The Senate failed to concur in Governor's amendments to **HB 371**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **HB 371**:

4/24/2009

Senator Perry, Chair
Senator Steinbeisser
Senator Laslovich

Governor's amendments to Senate bill concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/24/2009

SB 507, introduced by Story

MESSAGES FROM THE GOVERNOR

April 24, 2009

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 263, "**AN ACT REVISING LAWS GOVERNING THE OFFICE OF STATE PUBLIC DEFENDER; REQUIRING ASSIGNED COUNSEL TO FILE CERTAIN COSTS WITH THE DISTRICT COURT; CLARIFYING THAT AN ASSIGNMENT OF COUNSEL BY THE OFFICE OF STATE PUBLIC DEFENDER IS SUBJECT TO INQUIRY AND DENIAL BY A COURT; AMENDING SECTIONS 46-8-113 AND 47-1-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**"

My amendment changes the effective date from passage and approval to July 1, 2009. Implementation of the bill will require the Office of Public Defender to change its accounting system as a result of mandatory costs against convicted clients, and the Office of Public Defender needs a window of time to make the necessary changes to its system.

I have discussed my amendment with the sponsor of the bill, Senator Jackson, who supports the amendment.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

GOVERNOR'S AMENDMENTS
TO SENATE BILL 263

1. Title, line 14.

Strike: "IMMEDIATE"

2. Page 12, line 18.

Strike: "on passage and approval"

Insert: "July 1, 2009"

- END -

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Mr. Speaker in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 510 - Representative Berry moved **SB 510** be concurred in.

SB 510 - Representative Berry moved **SB 510**, second reading copy, be amended as follows:

1. Title, page 1, line 5.

Following: "PERCENT"

Insert: "LOCAL"

2. Title, page 1, line 6.

Following: "5"

Insert: "5 OR"

3. Page 1, line 15.

Following: "5"

Insert: "5"

Following: "years"

Insert: "by directing the department to levy the tax at a lower tax rate as provided in 15-23-703(1)(b)"

4. Page 2, line 8.

Following: "(1)"

Insert: "(a)"

5. Page 2, line 10.

Following: "shall"

Insert: ", subject to subsection (1)(b),"

Following: "~~of 5%~~"

Insert: "of 5%"

6. Page 2, line 11 through line 12.

Strike: "The" on line 11 through "2.5%."

7. Page 2.

Following: line 13

Insert: "(b) If the county grants a tax abatement for production from a new or expanding underground mine as provided in [section 1], the department shall levy a tax at a rate that would, after providing for payment to the state of the amount attributable to all applicable state mill levies as if the tax rate were 5%, reduce the tax received by county taxing jurisdictions and any school district on the new or expanded production by 50%."

8. Page 3, line 5 through line 7.

Strike: subsection (6) in its entirety

Insert: "(6) If there is a distribution of coal gross proceeds from a new or expanding underground mine with a tax abatement as provided under [section 1], the county treasurer shall distribute:

(a) the state's share of the coal gross proceeds determined under subsection (1)(b) in the relative proportion required by the appropriate levies for state purposes; and

(b) the county's share and any school district's share of the coal gross proceeds determined under subsection (1)(b) as provided in this section."

9. Page 3.

Following: line 28

Insert: "COORDINATION SECTION. Section 4. Coordination instruction. If House Bill No. 588 and [this act] are both passed and approved and if both contain a section amending 15-23-703, then the sections amending 15-23-703 are void and 15-23-703 must be amended as follows:

"15-23-703. Taxation of gross proceeds -- taxable value for county classification and ~~guaranteed tax base aid to schools nontax purposes.~~ (1) (a) The department shall compute from the reported value of coal gross proceeds from coal a tax roll that must be transmitted to the county treasurer on or before September 15 of each year. The department may not levy or assess any mills against ~~the reported coal gross proceeds of coal~~ but shall, subject to

subsection (1)(b), levy a tax of 5% against the value of the reported gross proceeds coal as provided in 15-23-701(1)(d). The county treasurer shall give full notice to each coal producer of the taxes due and shall collect the taxes.

(b) If the county grants a tax abatement for production from a new or expanding underground mine as provided in [section 1], the department shall levy a tax at a rate that would, after providing for payment to the state of the amount attributable to all applicable state mill levies as if the tax rate were 5%, reduce the tax received by county taxing jurisdictions and any school district on the new or expanded production by 50%.

(2) For county classification and all nontax purposes, the taxable value of the gross proceeds of coal is 45% of the contract sales price as defined in 15-35-102.

~~(3) Except as provided in subsection (6), the county treasurer shall calculate and distribute to the state, county, and eligible school districts in the county the amount of the coal gross proceeds tax, determined by multiplying the unit value calculated in 15-23-705 times the tons of coal extracted, treated, and sold on which the coal gross proceeds tax was owed during the preceding calendar year.~~

~~(4) Except as provided in subsections (5), (6), and (8), the county treasurer shall credit the amount determined under subsection (3) and the amounts received under 15-23-706:~~

~~(a) to the state and to the counties that levied mills in fiscal year 1990 against 1988 production in the relative proportions required by the levies for state and county purposes in the same manner as property taxes were distributed in fiscal year 1990 in the taxing jurisdiction; and~~

~~—— (b) to school districts in the county that either levied mills in school fiscal year 1990 against 1988 production or used nontax revenue, such as impact aid money, as provided in 20 U.S.C. 7701, et seq., in lieu of levying mills against production, in the same manner that property taxes collected or property taxes that would have been collected would have been distributed in the 1990 school fiscal year in the school district.~~

~~(5) (a) If the total tax liability in a taxing jurisdiction exceeds the amount determined in subsection (3), the county treasurer shall, immediately following the distribution from taxes paid on May 31 of each year, send the excess revenue, excluding any protested coal gross proceeds tax revenue, to the department for redistribution as provided in 15-23-706.~~

~~—— (b) If the total tax liability in a taxing jurisdiction is less than the amount determined in subsection (3), the taxing jurisdiction is entitled to a redistribution as provided by 15-23-706.~~

(3) (a) Except as provided in subsections (4) and (7) and subject to subsection (3)(b), coal gross proceeds taxes must be allocated to the state, county, and school districts in the same relative proportions as the taxes were distributed in fiscal year 1990.

(b) The county treasurer shall multiply the coal gross proceeds taxes collected in the county under this part by the relative proportions determined for the state, county, and school districts under subsection (3)(a). Those amounts must be distributed as follows:

(i) the state share must be distributed in the relative proportions required by levies for state purposes in the same manner as property taxes were distributed in fiscal year 1990;

(ii) except as provided in subsection (5), the county share must be distributed in the relative proportions required by levies for county purposes, other than an elementary school or high school, in the same manner as property taxes were distributed in the previous fiscal year;

(iii) except as provided in subsection (6), the school districts' share must be distributed in the relative proportions required by levies for school district purposes in the same manner as property taxes were distributed in the previous fiscal year.

(4) If there is a distribution of coal gross proceeds from a new or expanding underground mine with a tax abatement as provided under [section 1], the county treasurer shall distribute:

(a) the state's share of the coal gross proceeds determined under subsection (1)(b) in the relative proportion required by the appropriate levies for state purposes; and

(b) the county's share and any school district's share of the coal gross proceeds determined under subsection (1)(b) as provided in this section.

~~(6)~~(5) The board of county commissioners of a county may direct the county treasurer to reallocate the distribution of coal gross proceeds taxes that would have gone to a taxing unit, as provided in subsection ~~(4)~~(a) ~~(3)~~(b)(i), to another taxing unit or taxing units, other than an elementary school or high school, within the county under the following conditions:

(a) The county treasurer shall first allocate the coal gross proceeds taxes to the taxing units within the county in the same proportion that all other property tax proceeds were distributed in the county in the previous fiscal year ~~1990~~.

(b) If the allocation in subsection ~~(6)~~(a) ~~(5)~~(a) exceeds the total budget ~~for~~ of a taxing unit, the commissioners may direct the county treasurer to ~~allocate~~ reallocate the excess to any taxing unit within the county.

~~(7)~~(6) The board of trustees of an elementary or high school district may reallocate the coal gross proceeds taxes distributed to the district by the county treasurer under the following conditions:

(a) The district shall first allocate the coal gross proceeds taxes to the budgeted funds of the district in the same proportion that all other property tax proceeds were distributed in the district in the previous fiscal year ~~1990~~.

(b) If the allocation under subsection ~~(7)~~(a) ~~(6)~~(a) exceeds the total budget for a fund, the trustees may ~~allocate~~ reallocate the excess to any budgeted fund of the school district.

~~(8)~~(7) ~~The~~ Except as provided in subsections (8) and (9), the county treasurer shall credit all taxes collected under this part from coal mines that began production after December 31, 1988, in the relative proportions required by the levies for state, county, and school district purposes in the same manner as property taxes were distributed in the previous fiscal year.

(8) The board of county commissioners of a county may direct the county treasurer to reallocate the distribution of coal gross proceeds under subsection (7) in the same manner as provided in subsection (5).

(9) The board of trustees of an elementary or high school district may reallocate the coal gross proceeds taxes distributed to the district by the county treasurer under subsection (7) in the same manner as provided in subsection (6)."

Renumber: subsequent section

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall,

Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Dickenson, Hawk, Henry, Lake, McNutt, Regier, Stahl.

Total 7

Excused: Stoker.

Total 1

Absent or not voting: Butcher, Smith.

Total 2

SB 510 - Representative Di. Barrett moved **SB 510**, second reading copy, be amended as follows:

1. Title, page 1, line 8.

Following: "COLLECTIONS;"

Insert: "PROVIDING FOR THE REPAYMENT OF ABATED TAXES;"

2. Page 1, line 13.

Following: "abatement"

Insert: "-- repayment of abatement"

3. Page 2.

Following: line 4

Insert: "(5) (a) Coal gross proceeds taxes abated as provided in 15-23-703 and this section must be repaid by the owner or operator of the new or expanding underground coal mine beginning in the first tax year following the abatement period and the extension of the abatement period, if any. The amount of the repayment is equal to the amount of the coal gross proceeds taxes abated during the abatement period or periods. The repayment of coal gross proceeds taxes abated must be made in equal installments over the total number of tax years that taxes were abated. The repayment is due at the same time as coal gross proceeds taxes are due. The county treasurer shall give full notice to the owner or operator of a new or expanding underground coal mine of the amount due and shall collect the amount.

(b) The amount repaid must be distributed by the county treasurer to funds and accounts subject to the abatement in the same ratio as the coal gross proceeds taxes were abated."

Amendment **failed** as follows:

Yeas: Barrett, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jopek, Kasten, Kottel, MacDonald, Malek, McAlpin, McClafferty, Menahan, A.

Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sales, Sands, Sesso, Van Dyk, Wilmer, Wiseman.
Total 42

Nays: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Campbell, Ebinger, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Roberts, Smith, Sonju, Stahl, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.
Total 55

Excused: Stoker.
Total 1

Absent or not voting: Reichner, Steenson.
Total 2

SB 510 - Representative Getz moved **SB 510**, second reading copy, be amended as follows:

1. Title, page 1, line 4.

Strike: "AUTHORIZING A BOARD OF"

Insert: "PROVIDING THE ELECTORS OF A"

Strike: "COMMISSIONERS"

2. Title, page 1, line 5.

Following: "AUTHORIZE"

Insert: "THE BOARD OF COUNTY COMMISSIONERS TO GRANT"

3. Title, page 1, line 6.

Following: "5"

Insert: "5 OR"

4. Title, page 1, line 7.

Following: "YEARS;"

Insert: "PROVIDING FOR AN ELECTION TO APPROVE THE ABATEMENT;"

5. Page 1, line 13.

Following: "abatement"

Insert: "-- voter approval"

6. Page 1, line 15.

Following: "5"

Insert: "5"

7. Page 1, line 16 through line 22.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

8. Page 1, line 23.

Following: "authorization"

Insert: " is subject to voter approval as provided in subsection (3), it"

9. Page 1, line 25.

Following: "PERIOD"

Insert: "subject to voter approval"

10. Page 1.

Following: line 27

Insert: "(3) (a) The abatement under this section is not allowed unless the abatement question has been submitted to the electorate of the county and approved by a majority of the electors voting on the question.

(b) A resolution adopted by the board of county commissioners referring the abatement question or the extension of the abatement question must state that:

(i) the abatement is for a 5-tax-year period; and

(ii) the amount of the abatement is 50% of the county's and any school district's share of the coal gross proceeds tax.

(c) The resolution for the proposed abatement referred to in subsection (3)(b) may not be adopted prior to notification of the school boards of all affected school districts.

(d) The board of county commissioners may call a special election or have the abatement question placed on the ballot at the next regularly scheduled election.

(e) (i) Before the abatement question is submitted to the electorate of a county, the governing body of the board of county commissioners in the county in which the underground coal mine is located shall publish notice of the abatement proposal in a newspaper that meets the qualifications of subsection (3)(e)(ii). The notice must be published twice, with at least 6 days separating publications. The first publication must be no more than 30 days prior to the election and the last no less than 3 days prior to the election.

(ii) The newspaper must be:

(A) of general, paid circulation with a second-class mailing permit;

(B) published at least once a week; and

(C) published in the county where the election will take place."

Amendment **failed** as follows:

Yeas: Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Wilmer, Wiseman, Mr. Speaker.

Total 46

Nays: Ankney, Arntzen, Augare, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson.

Total 53

Excused: Stoker.

Total 1

Absent or not voting: None.

Total 0

SB 510 - Representative Berry moved **SB 510** as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Butcher, Campbell, Ebinger, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Roberts, Sales, Sesso, Smith, Sonju, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 64

Nays: Barrett, Becker, Blewett, Boland, Boss Ribs, Brown, Caferro, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, MacDonald, Malek, McAlpin, Menahan, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Stahl, Steenson, Van Dyk, Washburn, Wiseman.

Total 35

Excused: Stoker.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bergren moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth,

Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 88

Nays: P. Beck, Becker, Caferro, Cohenour, Dickenson, Hands, Henry, MacDonald, Wiseman.

Total 9

Excused: Ankney, Stoker.

Total 2

Absent or not voting: Stahl.

Total 1

MOTIONS

Representative Campbell moved to suspend the rules in order to place **SB 510** on 3rd Reading today the 88th Legislative Day. Motion carried as follows:

Yeas: Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Campbell, Ebinger, Fleming, French, Furey, Getz, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Steenson, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 71

Nays: Barrett, Becker, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Grinde, Hamilton, Hands, Henry, Hollenbaugh, MacDonald, Malek, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Stahl, Van Dyk, Wiseman.

Total 25

Excused: Ankney, Stoker.

Total 2

Absent or not voting: Glaser, O'Hara.

Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 510, as amended by the House, concurred in as follows:

Yeas: Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Butcher, Campbell, Ebinger, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sesso, Smith, Sonju, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 66

Nays: Barrett, Becker, Blewett, Boland, Boss Ribs, Brown, Caferro, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, MacDonald, Malek, McAlpin, Menahan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Sands, Stahl, Steenson, Van Dyk, Wiseman.
Total 32

Excused: Ankney, Stoker.
Total 2

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Rep. Mendenhall announced that the House Republicans will caucus immediately after session today.
Representative Campbell moved that the House adjourn until 8:30 a.m., Monday, April 26, 2009.
Motion carried.

House adjourned at 4:27 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
EIGHTY-NINTH LEGISLATIVE DAY**

Helena, Montana
April 27, 2009

House Chambers
State Capitol

House convened at 8:30 a.m. Mr. Speaker in the Chair. Invocation by Rep. Wiseman. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker introduced the pages for the week: Aaron Conn (Helena), Shelisa Craig (Carter), Anna Hill (Helena), Sam Tinsley (Helena), Shelane MacKay (Helena).

MESSAGES FROM THE SENATE

Governor's amendments to House bill not concurred in and returned to the House: 4/24/2009

HB 123, introduced by Jones

Free Conference Committee Report No.1 passed 2nd Reading: 4/24/2009

SB 171, introduced by Barkus

Free Conference Committee Report No.1 adopted: 4/24/2009

SB 322, introduced by Curtiss

Governor's amendments to Senate bill concurred in and returned to the House: 4/24/2009

SB 65, introduced by Hawks

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Villa in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 503 - Representative Stahl moved **SB 503** be concurred in. Motion carried as follows:

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Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Ebinger, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 57

Nays: Augare, Barrett, Becker, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Wiseman.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 507 - Governor's Amendments - Representative Di. Barrett moved Governor's amendments to **SB 507** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Phillips, Pomnichowski, Regier, Reinhart, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: Arntzen, Bean, Bennett, Butcher, Hawk, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Reichner, Roberts, Smith, Taylor, Vance, Wagner, Warburton.

Total 22

Excused: None.

Total 0

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Absent or not voting: Pease-Lopez.

Total 1

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Villa moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Becker, Kerns, Mendenhall, Miller, More, Nooney, Vance, Warburton.

Total 8

Excused: None.

Total 0

Absent or not voting: Ankney, Villa.

Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 11 Governor's Amendments, concurred as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn,

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Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: Bennett, Boniek, Hendrick, Ingraham, Kasten, Kerns, Mendenhall, Miller, More, Morgan, Randall, Sales, Smith, Sonju, Wagner.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 322 Free Conference Committee, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 88

Nays: Bean, Bennett, Blasdel, Caferro, Fleming, Hendrick, Kasten, Kerns, Miller, Nooney, Randall.

Total 11

Excused: None.

Total 0

Absent or not voting: Mehlhoff.

Total 1

SB 418 Conference Committee, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray,

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McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Blasdel, Himmelberger, Ingraham, Kerns, Mendenhall, Regier, Smith, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 19 concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Ebinger, Fleming, French, Getz, Glaser, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.

Total 75

Nays: Barrett, Blewett, Caferro, Cohenour, Dickenson, Driscoll, Furey, Grinde, Hamilton, Hands, Hawk, Henry, Hollenbaugh, MacDonald, Malek, McAlpin, Menahan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Van Dyk, Villa, Wilmer, Wiseman.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 30 Free Conference Committee, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French,

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Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 80

Nays: Bennett, Berry, Boniek, Brown, Butcher, Caferro, Hawk, Hendrick, Himmelberger, Kasten, Kerns, Lake, McNutt, Miller, Morgan, Nooney, Peterson, Randall, Sales, Vance.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Rep. Campbell moved that the Speaker be authorized to appoint a **Free** Conference Committee on **House Bill 676** and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. Sesso, Vice Chair

Rep. Hiner

Rep. Jones

Rep. Hawk

Rep. Campbell moved that the Speaker be authorized to appoint a **Free** Conference Committee on **Senate Bill 371** and request the Senate to appoint a like committee.

The Speaker Appoints:

Rep. Hunter, Vice Chair

Rep. P. Beck

Rep. B. Beck

Rep. Milburn

Rep. Campbell moved that the Speaker be authorized to appoint a **Free** Conference Committee on **House Bill 123** and request the Senate to appoint a like committee.

The Speaker Appoints:

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Rep. Villa, Vice Chair
Rep. A. Noonan
Rep. Jones
Rep. Ankney

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House recess until 1:00 p.m., Monday, April 27, 2009.
Motion carried.

House recessed at 9:10 a.m.

House came to order 1:02 p.m.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sesso, Chairman):
SJR 25, be concurred in. Report adopted.

4/27/2009

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 371**
Report No. 1, April 27, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 371** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted as follows:

BE ADOPTED WITH NO RECOMMENDATION

And, recommend that **Senate Bill 371** (reference copy -- salmon) be accepted by the Senate.

For the Senate:

Perry, Chairman
Laslovich
Steinbeisser

For the House:

Hunter, Chairman
B. Beck
P. Beck
Milburn

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Villa in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 65 - Governor's Amendments - Representative McNutt moved Governor's amendments to **SB 65** be concurred in. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 86

Nays: Arntzen, Bean, Berry, Boniek, Butcher, Hawk, Ingraham, Kerns, Lake, More, Regier, Smith, Stahl.

Total 13

Excused: None.

Total 0

Absent or not voting: McChesney.

Total 1

SB 348 - Free Conference Committee Report No. 1 - Representative Himmelberger moved the Conference Committee report to **SB 348** be adopted. Motion requires 2/3 majority of entire Legislature. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Caferro, Dickenson, Ebinger, Fleming, Furey, Grinde, Hamilton, Hands, Henry, Himmelberger, Hoven, Howard, Ingraham, Klock, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan,

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Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Sales, Sands, Smith, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson.

Total 62

Nays: Blewett, Boland, Boss Ribs, Butcher, Campbell, Cohenour, Driscoll, French, Getz, Glaser, Hawk, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Kasten, Kerns, Kottel, Lake, McChesney, Mehlhoff, Morgan, P. Noonan, Pease-Lopez, Regier, Roberts, Roundstone, Sesso, Sonju, Stahl, Steenson, Stoker, Villa, Wiseman, Mr. Speaker.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 171 - Free Conference Committee Report No. 1 - Representative K. Peterson moved the Conference Committee report to **SB 171** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 96

Nays: Cohenour, Jopek, Menahan, Wiseman.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

The House stood at ease 1:30 p.m.

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The House came to order 1:33 p.m.

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Villa moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 96

Nays: Cohenour, Jopek, Menahan, Wiseman.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on House Bill 645

Report No. 1, April 27, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 645** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 645** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 12.

Following: "ACCOUNT;"

Insert: "INCREASING THE ELIGIBILITY FOR CASH ASSISTANCE BENEFITS FROM THE

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TANF BLOCK GRANT;"

2. Title, page 1, line 19.

Following: "PROGRAM;"

Insert: "PROVIDING A FUND TRANSFER FROM THE STATE GENERAL FUND TO THE
SENIOR CITIZEN AND PERSONS WITH DISABILITIES TRANSPORTATION
SERVICES ACCOUNT;"

3. Title, page 1, line 21.

Following: "~~53-4-1115~~;"

Insert: "53-4-212,"

4. Page 3, line 20.

Strike: "43"

Insert: "44"

Strike: "44"

Insert: "45"

5. Page 3, line 21.

Strike: "45"

Insert: "46"

6. Page 4, line 13.

Strike: "43"

Insert: "44"

7. Page 4, line 14.

Strike: "44"

Insert: "45"

Strike: "45"

Insert: "46"

8. Page 4, line 19.

Strike: "43"

Insert: "44"

Strike: "44"

Insert: "45"

9. Page 4, line 20.

Strike: "45"

Insert: "46"

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10. Page 5, line 11.

Strike: "43"

Insert: "44"

11. Page 5, line 12.

Strike: "44"

Insert: "45"

Strike: "45"

Insert: "46"

12. Page 6, line 16.

Strike: "43"

Insert: "44"

13. Page 6, line 17.

Strike: "44"

Insert: "45"

Strike: "45"

Insert: "46"

14. Page 7, line 11.

Strike: "43"

Insert: "44"

15. Page 7, line 12.

Strike: "44"

Insert: "45"

Strike: "45"

Insert: "46"

16. Page 8, line 8.

Strike: "43"

Insert: "44"

17. Page 8, line 9.

Strike: "44"

Insert: "45"

Strike: "45"

Insert: "46"

18. Page 8, line 21.

Strike: "43"

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Insert: "44"

19. Page 9, line 1.

Strike: "44"

Insert: "45"

Strike: "45"

Insert: "46"

20. Page 11, line 9.

Strike: "43"

Insert: "44"

21. Page 12, line 4.

Strike: "43"

Insert: "44"

22. Page 13, line 1.

Strike: "43"

Insert: "44"

23. Page 13, line 18.

Strike: "43"

Insert: "44"

24. Page 14, line 18.

Strike: "81"

Insert: "85"

25. Page 15, line 15.

Strike: "81"

Insert: "85"

26. Page 20, line 2.

Strike: "52"

Insert: "53"

27. Page 21, line 6.

Strike: "42(1)"

Insert: "43(1)"

28. Page 21, line 7.

Strike: "43"

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Insert: "44"

29. Page 21, line 12.

Strike: "42(1)"

Insert: "43(1)"

Strike: "43"

Insert: "44"

30. Page 24, line 14.

Strike: "81"

Insert: "85"

31. Page 24, line 17.

Strike: "81"

Insert: "85"

32. Page 27, line 16.

Strike: "43"

Insert: "44"

33. Page 34.

Following: line 10

Insert: "Section 32. Section 53-4-212, MCA, is amended to read:

"53-4-212. Department to make rules. (1) The department shall make rules and take action as necessary or desirable for the administration of public assistance programs.

(2) ~~The~~ Subject to subsection (3), the department shall adopt rules that may include but are not limited to rules concerning:

(a) eligibility requirements, including gross and net income limitations, resource limitations, and income and resource exclusions;

(b) amounts of assistance, methods for computing benefit amounts, and the length of time for which benefits may be granted;

(c) the degree of kinship required for a person to qualify as a specified caretaker relative in order to be eligible for assistance;

(d) procedures and policies for employment and training programs, requirements for participation in employment and training programs, and exemptions, if any, from participation requirements;

(e) requirements for specified caretaker relatives, including cooperation with assessments, the number of hours of participation required for each month, specific activities required to address employment barriers, and other terms of performance;

(f) eligibility for and terms and conditions of child-care assistance for financial assistance recipients, including maximum amounts of assistance payable and amounts of copayments required by specified caretaker relatives;

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(g) eligibility criteria and participation requirements for nonfinancial assistance recipients;
(h) terms of ineligibility or sanctions against a specified caretaker relative or other family member who fails to enter into a family investment agreement, as provided for in 53-4-606, or to comply with the individual's obligations under the agreement, including the length of the period of ineligibility, if any;

(i) requirements, if any, for participation in the employment and training demonstration project;

(j) eligibility for and terms and conditions of extended medical assistance benefits;

(k) reporting requirements;

(l) sanctions, disqualification, or other penalties for failure or refusal to comply with the rules or requirements of a public assistance program;

(m) exemptions from the 60-month limitation on assistance provided in 53-4-231 based on hardship or for families that include an individual who has been battered or subjected to extreme cruelty, as defined in section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 608, including but not limited to the duration of the exemption;

(n) individuals who must be included as members of an assistance unit;

(o) categories of aliens who may receive assistance, if any;

(p) requirements relating to the assignment of child and medical support rights and cooperation in establishing paternity and obtaining child and medical support;

(q) requirements for eligibility and other terms and conditions of other programs to strengthen and preserve families;

(r) special eligibility or participation requirements applicable to teenage parents, if any;

(s) conditions under which assistance may be continued when an adult or a dependent child is temporarily absent from the home and the length of time for which assistance may be continued;

(t) any random drug testing or reporting requirements for persons who are required to comply with the conditions provided under 53-4-231(3) and graduated sanctions that may include terms of ineligibility for violations of conditions of supervision or treatment requirements. The department may enter into agreements with the department of corrections regarding testing and reporting on offenders under the supervision of the department of corrections.

(u) approved educational programs, appropriate educational courses of study, employee assessment instruments, and administration of the Montana parents as scholars program provided for in 53-4-209.

(3) The department shall raise the eligibility standard for individuals receiving cash assistance benefits from the federal TANF block grant from at or below 30% of the 2002 federal poverty level to at or below 30% of the 2009 federal poverty level for the period from July 1, 2009, through September 30, 2010. Beginning October 1, 2010, the department shall reduce the eligibility standard to 30% of the 2006 federal poverty level. If the TANF caseload increases to a point that expenditures jeopardize the TANF block grant, the department, after consultation with the legislative finance committee, may lower the eligibility standard as provided in subsection (2)."

Renumber: subsequent sections

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34. Page 44, line 18.

Strike: "42"

Insert: "43"

35. Page 45, line 1.

Strike: "43"

Insert: "44"

36. Page 45, line 19.

Strike: "43"

Insert: "44"

37. Page 48, line 19.

Strike: "43"

Insert: "44"

38. Page 48, line 20.

Strike: "44"

Insert: "45"

Strike: "45"

Insert: "46"

39. Page 63, line 8.

Strike: "81"

Insert: "85"

40. Page 63, lines 17 through 19.

Following: "MUST RECEIVE \$5,000 PLUS" on line 17

Strike: remainder of line 17 through line 19 in their entirety

Insert: "a proportional share of the funds remaining from the \$10 million. The proportional share is calculated by allocating 50% of the remaining funds to each city and town based upon the distribution formula in 15-70-101(2)(c) and 50% of the remaining funds to each city and town based upon the percentage that the population of each city or town bears to the total population of all cities and towns."

41. Page 63, line 20.

Following: "USED FOR"

Insert: ": (a) the following county projects: Beaverhead, county courthouse repair; Big Horn, Little Horn road reconstruction; Blaine, county building improvements; Broadwater, county road chip seal; Carbon, West Fork road expansion; Carter, gravel crushing; Cascade, county building energy performance contract; Chouteau, county road repair and reconstruction; Custer, county road and buildings, including Silo Loop road, Pine Hills improvement, and

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county building repair and remodel; Daniels, county road gravel screening/crushing; Dawson, county building repair/remodel/construction; Deer Lodge, street light renovation; Fallon, county road and parks shop building; Fergus, Scott Crossing bridge replacement; Flathead, Mennonite Church and Creston roads construction; Gallatin, fairgrounds restroom construction and replacement; Garfield, county building heating/cooling system replacement; Glacier, Glacier County jail/detention center; Golden Valley, fire hall and roads; Granite, Metesch Lane bridge replacement; Hill, Sheppard and Bulhook roads pavement overlay; Jefferson, Boulder south campus sewer replacement; Judith Basin, replace Arrow Creek and Judith River bridge; Lake, South Valley Creek bridge replacement, Skyline bridge repair, and courthouse weatherization; Lewis and Clark, Lewis and Clark County fairgrounds plaza; Liberty, Liberty senior center; Lincoln, Tobacco Valley industrial park infrastructure improvements and Kootenai business park improvements; Madison, Madison County office renovation and bridge improvement projects; McCone, geothermal heat loop courthouse retrofit; Meagher, county building energy efficiency and handicap accessibility updates; Mineral, Mineral County jail and courthouse restoration and repair; Missoula, Big Flat road reconstruction; Musselshell, Goffena bridge replacement; Park, 9th Street bridge replacement; Petroleum, courthouse windows, Dovetail Creek crossing, and Petroleum County road upgrade; Phillips, courthouse parking lot and sidewalk projects; Pondera, Pondera County community and senior center remodel; Powder River, Powder River County fire hall; Powell, energy efficient windows and boiler for county courthouse; Prairie, county fairgrounds grandstand replacement and Terry park facilities renovation; Ravalli, Ambrose Creek road pavement preservation; Richland, Spring Lake road reconstruction; Roosevelt, energy efficient courthouse windows project; Rosebud, Ingomar water and sewer project and Forsyth library elevator project; Sanders, high bridge reconstruction; Sheridan, county road gravel and engineering, county road gravel crushing, Plentywood bypass route; Silver Bow, county road repair and maintenance; Stillwater, county courthouse and bridge; Sweet Grass, Pioneer medical center renovation; Teton, county nursing home and county road gravel; Toole, energy efficient lighting for Toole County hospital; Treasure, county building renovations; Valley, Valley County detention center addition; Wheatland, county road shop and Harlowtown fire hall; Wibaux, county fairgrounds exhibit building; Yellowstone, Clapper Flat and Vandaveer roads and courthouse remodel; and

(b) the following city and town projects: Albion, street repairs and paving; Anaconda-Deer Lodge, street light renovation; Bainville, Simard Park improvements -- sprinkler systems and sidewalks; Baker, storm drain installation on South Montana 7 and Secondary 322; Bearcreek, town hall renovation and repairs; Belgrade, street intersection reconstruction and sidewalk extension; Belt, replace concrete water storage tank; Big Sandy, sewer main replacement and resurface Johannes Avenue; Big Timber, Anderson Street asphalt overlay project; Billings, reconstruction of Alkali Creek Road; Boulder, water system treatment project; Bozeman, water system treatment project, water reclamation facility -- water treatment plant design, recreation facility improvements, sidewalks and restroom upgrades in parks, and debris removal; Bridger, street and sidewalk repairs; Broadus, addition to city hall for police department and sewer lagoon repairs; Broadview, general

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repairs and maintenance; Brockton, wastewater system repairs and street and alley repairs; Browning, new fire hall; Butte-Silver Bow, road repairs and maintenance; Cascade, one block sewer main replacement; Chester, chip seal town streets; Chinook, city hall repair and improvements and paint armory building; Choteau, city hall-fire station remodel and replace unit heaters in Pavilion building;

Circle, purchase street patcher equipment and sewer treatment plant; Clyde Park, construction of Lathrop Street; Colstrip, Orchard lift station replacement; Columbia Falls, street construction and improvements; Columbus, replace curb, gutter, and sidewalk on Pike Avenue; Conrad, replace hydrants and valves and overlay Dakota Street; Culbertson, architecture design of new fire hall; Cut Bank, final engineering and design work for Railroad Street; Darby, water system improvement project; Deer Lodge, phase 1 sewer rehabilitation collection system; Denton, water-sewer upgrades, building repairs, and street repairs; Dillon, Glendale street project; Dodson, street repairs; Drummond, street repairs and park maintenance; Dutton, city park improvements; East Helena, renovate city hall; Ekalaka, bridge and street repair; Ennis, town hall expansion and remodel project; Eureka, repair main arterial road; Fairfield, design and erect new fire hall, televise sewer lines, and replace hydrants; Fairview, park bathrooms renovation; Flaxville, water storage tank repairs; Forsyth, water storage tank and water works repairs; Fort Benton, chip seal city streets, U.S. highway 87 repairs, and airport runway improvements; Fort Peck, replace aging fire hydrants; Froid, water storage reservoir replacement; Fromberg, street and sidewalk repairs; Geraldine, main sewer line extension; Glasgow, rehabilitate southside lift station; Glendive, street reconstruction; Grass Range, water, sewer, and street repairs; Great Falls, West Bank street and right-of-way improvement and civic center roof repair; Hamilton, Tenth street reconstruction; Hardin, new fire hall; Harlem, city hall renovation and weatherization and street maintenance; Harlowton, replace sidewalks and install handicapped curbs; Havre, new lift station and recoat concrete water tank; Helena, Centennial Park trail system construction; Hingham, sewer project, street and sidewalk repairs, and fire hydrants; Hobson, extend water to boulevard on Main Street; Hot Springs, remodel fire hall and repair streets; Hysham, overlay town streets; Ismay, general repairs and maintenance; Joliet, sewer and water improvements; Jordan, improve existing streets; Judith Gap, Fourth Avenue street improvements; Kalispell, street projects; Kevin, drainage, culvert, and road repairs; Laurel, open ditch mitigation near middle school; Lavina, install new water system; Lewistown, chip seal streets; Libby, sewer main extension to Cabinet Heights; Lima, regravels streets and park shelter; Livingston, safety and building repairs to Sacajawea Park and repairs to sidewalks and streets; Lodge Grass, sewer lagoon; Malta, water and sewer line repairs and maintenance and street paving and repairs; Manhattan, sidewalk extensions, repairs, and maintenance; Medicine Lake, sewer lagoon maintenance, water tower, and waterworks repairs; Melstone, install fire hydrants, water and sewer installation to community center, and sidewalks, curbs, and gutters; Miles City, stormwater system sediment removal and debris removal; Missoula, ADA sidewalk ramps and North Higgins streetscape; Moore, street repairs and capital improvements; Nashua, sewer and water main replacements; Neihart, streets and capital improvements; Opheim, water system and general repairs; Outlook, connect water system to new well; Philipsburg, replace water and sewer lines; Pinesdale, capital improvements and repairs; Plains, city hall renovations including ADA bathrooms and furnace and air conditioning; Plentywood, engineering study of wastewater treatment system,

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replace sidewalk at city hall and add gutter system, and chip seal streets; Plevna, culvert and drainage improvements and chip seal streets; Polson, Riverside water main replacement; Poplar, street repairs after water line installation; Red Lodge, roof repairs on city hall and police station; Rexford, community center siding and repairs; Richey, road repairs and maintenance; Ronan, repair and overlay Third Avenue Northwest; Roundup, curbs, gutters, and sidewalks on Second Avenue East; Ryegate, city park improvements; Saco, street repairs and maintenance; Saint Ignatius, street paving and pedestrian path and other park repairs; Scobey, weatherize city hall; Shelby, street repairs; Sheridan, street repairs and maintenance; Sidney, Twenty-Second Avenue Northwest reconstruction; Stanford, street intersection improvements and replacements; Stevensville, repair and replace roof on town hall complex building; Sunburst, resurface streets, ADA curbs and gutters, and other street repair; Superior, water construction phase II, street repairs, and renovate park buildings; Terry, park improvements; Thompson Falls, street repairs and replace water meters with radio read meters; Three Forks, pave streets and equip parks and recreation facilities; Townsend, Broadway sidewalk replacement; Troy, city hall restoration; Twin Bridges, public walking path connecting parks; Valier, install water tank, new water meters, and water lines and trunks; Virginia City, remodel and relocate city hall; Walkerville, street improvements; West Yellowstone, wastewater improvements; Westby, resurface streets; White Sulphur Springs, patch and repair city streets; Whitefish, new emergency services building; Whitehall, new ambulance building, wastewater improvements, and debris removal; Wibaux, remodel park bathroom as handicapped accessible; Winifred, drainage projects; Winnett, street drainage improvements; Wolf Point, gate valve and hydrant replacement; or

(c)"

42. Page 64, line 1.

Strike: "(A)"

Insert: "(i)"

Renumber: subsequent subsections

43. Page 64.

Following: line 8

Insert: "(3) The governing body of a county, city, or town may choose to propose to the department of commerce an alternate project to those listed in subsections (2)(a) and (2)(b) based on the criteria in subsection (2)(c). If the alternate project meets the criteria in subsection (2)(c), the department shall approve the project."

Renumber: subsequent subsection

44. Page 64.

Following: line 11

Insert: "(5) A recipient of funds under this section must expend the funds by September 30, 2010. Unexpended funds must revert to the state and be deposited in the state general fund. The department of commerce shall disburse the funds to recipients as quickly as possible."

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45. Page 65, lines 2 and 3.

Following: "(5)" on line 2

Strike: remainder of line 2 through "PROGRAM." on line 3

Following: "START"

Insert: "energy program"

46. Page 65, line 5.

Strike: "81"

Insert: "85"

47. Page 66, line 8.

Strike: "MORTGAGE LOAN ASSISTANCE"

Insert: "Welcome home loan"

48. Page 66, line 14.

Strike: "59"

Insert: "60"

49. Page 66, line 16.

Insert: "NEW SECTION. Section 62. Fund transfer. There is transferred \$300,000 from the state general fund to the senior citizen and persons with disabilities transportation services account."

NEW SECTION. Section 63. Allocation and distribution of increased state support for schools. The superintendent of public instruction shall allocate and distribute the funds appropriated in [section 85] for Increase State Support for Schools With Education Stabilization Funds as follows:

(1) for fiscal year 2010:

(a) recalculate the basic entitlement and per-ANB entitlement by multiplying the basic entitlement and per-ANB entitlement for fiscal year 2010 in 20-9-306 by 1.02;

(b) calculate the BASE budget, maximum general fund budget, direct state aid, and guaranteed tax base aid for each school district using the recalculated basic and per-ANB entitlements; and

(c) distribute K-12 BASE aid to school districts in accordance with the payment schedule in 20-9-344 from the appropriations in House Bill No. 2 and [this act]; and

(2) for fiscal year 2011:

(a) recalculate the basic entitlement and per-ANB entitlement by multiplying the basic entitlement and per-ANB entitlement for fiscal year 2011 in 20-9-306 by 1.02;

(b) calculate the BASE budget, maximum general fund budget, direct state aid, and guaranteed tax base aid for each school district using the recalculated basic and per-ANB entitlements; and

(c) distribute K-12 BASE aid to school districts in accordance with the payment schedule in 20-9-344 from the appropriations in House Bill No. 2 and [this act].

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Renumber: subsequent sections

50. Page 70, lines 5 and 6.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

51. Page 70, line 8.

Strike: subsection (i) in its entirety

Renumber: subsequent subsections

52. Page 70, line 9.

Strike: "tribal"

Insert: "Indian country"

53. Page 70.

Following: line 9

Insert: "(ii) high-performance computing in the amount of \$2,000,000, then the general fund appropriation for that purpose in House Bill No. 2 is void;"

Renumber: subsequent subsections

54. Page 70, line 11.

Following: "(iv) the"

Insert: "Montana"

55. Page 70, line 17.

Strike: "THAT PURPOSE"

Insert: "BASE aid"

56. Page 70, line 18.

Strike: "\$12,763,569"

Insert: "\$14,613,477"

Strike: "\$13,216,482"

Insert: "\$25,779,699"

Following: "2011;"

Strike: "AND"

57. Page 70, line 20.

Strike: "\$31,605,482"

Insert: "\$29,762,223"

Strike: "\$31,605,482"

Insert: "\$29,762,224"

Following: "FY 2011"

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Insert: "; and

(d) to the office of the commissioner of higher education for Replace 6-Mill Levy Revenue Shortfall With Federal General Stabilization Funds, then the state special revenue fund appropriation in House Bill No. 2 is reduced by \$1,447,296 in fiscal year 2010 and \$1,046,625 in fiscal year 2011"

58. Page 71, line 1.

Strike: "the amount of the difference between the amount specified in subsection (1) and"

59. Page 71, line 2.

Strike: "81"

Insert: "85"

60. Page 71, line 8.

Following: "TOTAL"

Strike: "ALLOCATIONS"

Insert: "appropriations"

61. Page 71, line 10.

Strike: "\$20"

Insert: "\$17"

62. Page 71, line 21 through page 72, line 1.

Strike: "the amount" on page 71, line 21 through "and" on page 72, line 1

Strike: "81"

Insert: "85"

63. Page 72, lines 2 and 3.

Strike: subsection (4) in its entirety

64. Page 72, line 6.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

65. Page 72, line 9.

Strike: "\$2.5"

Insert: "\$3.5"

66. Page 72, line 15.

Following: "amount of"

Strike: "a fund transfer or"

67. Page 72, lines 16 and 17.

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Following: "corresponding" on line 16

Strike: "transfer or"

Strike: "of the difference" on page 72, line 16 through "transferred or" on page 72, line 17

Strike: "81"

Insert: "85"

68. Page 73, line 5.

Strike: "81"

Insert: "85"

69. Page 73, line 12.

Strike: "81"

Insert: "85"

70. Page 73, line 19.

Strike: "81"

Insert: "85"

71. Page 74, line 2.

Strike: "33"

Insert: "34"

72. Page 74, line 3.

Strike: "33"

Insert: "34"

73. Page 74, line 4.

Strike: "52" in both places

Insert: "53" in both places

74. Page 74, line 5.

Strike: "54"

Insert: "55"

Strike: "55"

Insert: "56"

75. Page 74, line 6.

Strike: "54"

Insert: "55"

Strike: "55"

Insert: "56"

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76. Page 74, line 7.

Strike: "42"

Insert: "43"

Strike: "43"

Insert: "44"

77. Page 74, line 8.

Strike: "42"

Insert: "43"

Strike: "43"

Insert: "44"

78. Page 74, line 9.

Strike: "44"

Insert: "45"

Strike: "45"

Insert: "46"

79. Page 74, line 10.

Strike: "44"

Insert: "45"

Strike: "45"

Insert: "46"

80. Page 74, line 11.

Strike: "50" in both places

Insert: "51" in both places

Strike: "51" in both places

Insert: "52" in both places

81. Page 74, line 20.

Strike: "35"

Insert: "36"

Strike: "37"

Insert: "38"

82. Page 75, lines 2 and 3.

Following: "31" on line 2

Strike: remainder of line 2 through "60" on line 3

Insert: "through 33, 35 through 42, 57, 58, 60, and 61"

83. Page 75, line 5.

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Strike: "81"

Insert: "85"

84. Page 75, line 4.

Insert: "NEW SECTION. Section 83. Voided appropriation -- use -- appropriation. If a general fund appropriation contained in [section 85] is voided or vetoed, then the amount of the voided or vetoed general fund appropriation is appropriated to the department of commerce. The department shall use 25% of the appropriation for distribution to counties pursuant to [section 57(1)(a)], 25% of the appropriation for distribution to cities and towns pursuant to [section 57(1)(b)], 25% of the appropriation for distribution to tribal governments pursuant to [section 57(1)], and 25% for distribution to school districts pursuant to [section 57(4)]."

Renumber: subsequent sections

85. Page 75, line 9.

Following: "2011."

Insert: "The office of budget and program planning is authorized to transfer up to \$2 million of the appropriations, authority, or both in this section between the general fund and the federal special revenue fund for the purpose of making adjustments to maintain necessary maintenance of effort and other requirements of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, for the use of both the state general fund and the federal state fiscal stabilization funds."

86. Page A-1.

Following: line 1

Insert: "LEGISLATIVE BRANCH (1104)

1. Legislative Committees and Activities (21)

117,084 121,520" [General fund FY 10 and FY 11]

"Total 117,084 121,520" [General fund FY 10 and FY 11]

If Senate Bill No. 100 is not passed and approved, the general fund appropriation in the amount of \$117,084 in fiscal year 2010 and in the amount of \$121,520 in fiscal year 2011 for Legislative Committees and Activities is void."

87. Page A-1, line 13 through page A-2, line 8.

Strike: Page A-1, line 13 through page A-2, line 8 in their entirety

88. Page A-2, line 11.

Following: "a."

Insert: "Montana"

89. Page A-2, line 16.

Strike: "Tribal"

Insert: "Indian Country"

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90. Page A-3.

Following: line 15

Insert: "h. High-Performance Computing

1,000,000 1,000,000" [general fund FY 10 and FY 11]

"i. New Worker Training Program 655,698 655,698"
[general fund in FY 2010 and FY 2011]

91. Page A-5, line 4.

Strike: "23,000,000 22,000,000" [General fund & State special revenue FY 10]

Insert: "25,000,000 20,000,000" [General fund & State special revenue FY 10]

92. Page A-5, lines 5 through 7.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

93. Page A-5, line 12.

Strike: "1,500,000 1,500,000" [general fund FY 10 and FY 11]

Insert: "2,000,000 2,000,000" [general fund FY 10 and FY 11]

94. Page A-6, line 11.

Strike: "3,536,800 11,497,200" [state special revenue FY 10 and FY 11]

Insert: "34,000" [state special revenue FY 11]

95. Page A-8.

Following: line 3

Insert: "c. Quick Start Energy Grants 14,950,000" [state special revenue FY 10]

96. Page A-9.

Strike: lines 2 and 3 in their entirety

Insert: "The line item for New Worker Training is to provide training funds for businesses to train and educate both new and existing employees, the purpose of which is the retention and creation of high-wage and high-skilled jobs that will increase the earning potential and employment opportunities for Montana employees and enhance the state's economy. The line item for New Worker Training is intended to be implemented using a framework similar to that established under the Primary Sector Business Workforce Training Act provided for in Title 39, chapter 11, except that the New Worker Training appropriation line item is to be used to train and educate both new and existing employees.

The line item and general fund appropriation in the amount of \$1,311,396 for New Worker Training is contingent upon passage and approval of Senate Bill No. 100. If Senate Bill No. 100 is not passed and approved, the appropriation for New Worker Training is void.

If Senate Bill No. 100 is not passed and approved, there is an appropriation to the Community Development Division in the amount of \$4.5 million general fund for fiscal year 2010

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for the provision of grants by the coal board established in 2-15-1821."

97. Page A-9, line 11.

Strike: "56"

Insert: "57"

Strike: "57"

Insert: "58"

98. Page A-10.

Following: line 9

Insert: "The amount of \$1 million of the general fund appropriation for Historic Preservation Competitive Grants is contingent upon passage and approval of Senate Bill No. 100."

99. Page B-4, line 8.

Strike: "1,000,000 1,000,000" [General fund FY 10 & FY 11]

Insert: "1,000,000 1,000,000" [Federal funds FY 10 & FY 11]

100. Page B-4.

Following: line 10

Insert: "d. HB 173 -- Implementing National Public Health Standards (Restricted)
200,000 200,000" [general fund FY10 FY11]

101. Page B-4, line 13.

Strike: "375,000 375,000" [general fund FY10 and FY11]

Insert: "357,000 357,000" [general fund FY10 and FY11]

102. Page B-6, line 12.

Strike: "1,500,000 1,500,000" [General fund FY 10 and FY 11]

Insert: "58,919 58,918 " [General fund FY 10 and FY 11]

"1,441,081 1,441,082" [Federal funds FY 10 and FY 11]

103. Page B-6, line 16.

Following: "RESTRICTED"

Insert: "/Biennial"

104. Page B-7.

Strike: line 2

Insert: "25,000" [general fund FY 10]

"b. Implement HB 130 (Biennial/Restricted)
475,000" [General fund FY 10]

105. Page B-8.

Following: line 6

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Insert: "HB 173 -- Implementing National Public Health Standards may be used only to make grants to local public health agencies. The line item and general fund appropriation in the amount of \$400,000 over the biennium for HB 173 -- Implementing National Public Health Standards is contingent upon passage and approval of Senate Bill No. 100. If Senate Bill No. 100 is not passed and approved, the appropriation for HB 173 -- Implementing National Public Health Standards is void."

106. Page B-9, line 15.

Strike: "AND"

Insert: "or"

107. Page B-9, following line 15.

Insert: "Implement HB 130 is contingent upon passage and approval of House Bill No. 130. If House Bill No. 130 is not passed and approved, Implement HB 130 must be used for matching grants for mental health crisis centers."

108. Page C-5, line 12.

Strike: "2,500,000 2,500,000" [federal special revenue FY10 and FY11]

Insert: "4,250,000 4,250,000" [federal special revenue FY10 and FY11]

109. Page D-1, line 6.

Strike: "125,000 125,000" [general fund FY 10 and FY 11]

Insert: "250,000 250,000" [general fund FY 10 and FY 11]

110. Page D-1.

Following: line 10

Insert: "The amount of \$250,000 of the general fund appropriation for Self-Help Law Program is contingent upon passage and approval of Senate Bill No. 100."

111. Page D-4, line 2.

Strike: "73,225 73,620" [General fund FY 10 & FY 11]

Insert: "73,225 73,620" [Federal funds FY 10 & FY 11]

112. Page D-4, line 5.

Strike: "997,547 1,002,781" [General fund FY 10 & FY 11]

Insert: "997,547 1,002,781" [Federal funds FY 10 & FY 11]

113. Page D-4, line 8.

Strike: "282,040 283,346" [General fund FY 10 & FY 11]

Insert: "282,040 283,346" [Federal funds FY 10 & FY 11]

114. Page E-1.

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Following: line 14

Insert: "e. Montana Learning Center (Restricted)
50,000 [general fund FY10]"

115. Page E-3, line 7.

Strike: "12,763,509 13,216,482" [federal special revenue FY10 FY11]

Insert: "14,613,477 25,779,699" [federal special revenue FY10 FY11]

116. Page E-3, line 9.

Strike: "10,724,262 21,713,034" [federal special revenue FY10 FY11]

Insert: "10,717,552 10,993,075" [federal special revenue FY10 FY11]

117. Page E-4.

Following: line 3

Insert: "Montana Learning Center funding may be used only for deferred maintenance on facilities
or for making energy efficiency improvements at the Montana learning center."

118. Page E-4, line 12.

Strike: "16,507" [general fund FY10]

Insert: "34,507 18,000" [general fund FY10 and FY11]

119. Page E-7, line 4.

Strike: "31,605,482 31,605,482" [federal special revenue FY10 FY11]

Insert: "29,762,223 29,762,224" [federal special revenue FY10 FY11]

120. Page E-9, line 10.

Following: "ASSISTANCE"

Strike: "WILL"

Insert: "must"

121. Page E-9, line 11.

Following: "FOLLOWS:"

Strike: remainder of line 11

Insert: "\$400,000 to Flathead Valley community college, \$700,000 to Miles community college,
and \$700,000 to Dawson community college."

122. Page E-9.

Strike: lines 14 and 15 in their entirety

123. Page F-1, line 4.

Following: "Program"

Insert: "Additional"

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Following: "TRANSFER"
Strike: "Allocation"

124. Page F-2, line 4.
Following: "TRANSFER"
Insert: "and"

125. Page F-2, line 9.
Following: "TRANSFER"
Strike: "Allocation"

126. Page F-3, line 8.
Strike: "1,250,000 1,250,000" [general fund FY 10 and FY 11]
Insert: "1,750,000 1,750,000" [general fund FY 10 and FY 11]

127. Page F-3, line 9.
Following: "Montana"
Insert: "(Department of Administration)"

128. Page F-4, lines 2 through 4.
Strike: line 2 through line 4 in their entirety

129. Page F-4, line 13.
Strike: "21,500,000 21,500,000" [General fund FY 10 and FY 11]
Insert: "35,034,000" [General fund FY 10]

130. Page F-6.
Following: line 8
Insert: "The amount of \$1 million of the general fund appropriation for Enterprise System Services Center Equipment is contingent upon passage and approval of Senate Bill No. 100."

For the House:

Esp, Chairman
J. Peterson
Schmidt

For the Senate:

Sesso, Chairman
Hiner
McNutt
Morgan

FREE CONFERENCE COMMITTEE
on **House Bill 5**
Report No. 1, April 27, 2009

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Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 5** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 5** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 11 through line 12.

Following: "COSTS;"

Strike: remainder of line 11 through line 12 in their entirety

2. Page 3, line 19.

Strike: in both places "2,000,000 2,000,000 [LRBP Fund and Total]"

Insert: in both places "1,150,000 1,150,000 [LRBP Fund and Total]"

3. Page 5, line 21.

Insert: "500,000 [Authority only]"

Strike: "1,600,000 [Total]"

Insert: "2,100,000 [Total]"

4. Page 6, line 1.

Following: page 5, line 21

Insert: "Authority only funds may include federal special revenue, auxiliary, donations, grants, and higher education funds."

5. Page 6, line 4.

Following: line 3

Insert: "UM-Helena College of Technology Project Completion 850,000 850,000 [LRBP Fund and Total]"

6. Page 8, line 1.

Strike: in both places "1,525,000 [State Special Revenue and Total]"

Insert: in both places "1,041,400 [State Special Revenue and Total]"

For the House:

Barkus, Chairman

Barrett

Williams

For the Senate:

Hollenbaugh, Chairman

Ankney

Getz

Kasten

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ANNOUNCEMENTS

Representative Campbell moved that the House recess until 4:30 p.m., Monday, April 27, 2009.
Motion carried.

House recessed at 1:37 a.m.

House came to order 4:32 p.m.

Roll Call. All members present. Quorum present.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 658**
Report No. 1, April 27, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 658** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted as follows:

BE ADOPTED WITH NO RECOMMENDATION
And, recommend that **House Bill 658** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 10.

Following: "PROPERTY;"

Insert: "REVISING THE LOW-INCOME PROPERTY TAX ASSISTANCE PROGRAM;
REVISING THE EXTENDED PROPERTY TAX ASSISTANCE PROGRAM;"

2. Title, page 1, line 20 through line 22.

Strike: "EXEMPTING" on line 20 through "SUBDIVISIONS;" on line 22

3. Title, page 2, line 6.

Following: "TAXPAYERS;"

Insert: "PROVIDING AN APPROPRIATION;"

4. Title, page 2, line 7.

Following: "~~15-6-211;~~"

Insert: "15-6-193,"

5. Page 3, line 3 through line 7.

Strike: "any person" on line 3 through "both" on line 7

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Insert: "one or more qualified claimants:

(i) for tax year 2009, whose federal adjusted gross income did not exceed the thresholds established in subsection (2)(b)(i); or

(ii) for tax years after tax year 2009, whose total household income did not exceed the thresholds established in subsection (2)(b)(i)"

6. Page 3, line 30.

Following: "based on"

Insert: "the"

Following: "income"

Insert: "for the preceding calendar year of the owner or owners who occupied the property as their primary residence"

7. Page 4, line 28.

Insert: "(4) (a) As used in this section, "qualified claimants" means one or more owners who:

(i) occupied the residence as their primary residence for more than 7 months during the preceding calendar year;

(ii) had combined income for the preceding calendar year that does not exceed the threshold provided in subsection (2)(b); and

(iii) file a claim for assistance on a form that the department prescribes on or before April 15 of the year for which the assistance is claimed.

(b) For the purposes of subsection (1)(c), total household income is the income as reported on the tax return or returns required by chapter 30 or 31 for the year in which the assistance is being claimed excluding losses, depletion, and depreciation and before any federal or state adjustments to income. In cases in which the claimant is not required to file a tax return under chapter 30 or 31, household income means the household's total income as it would have been calculated under this subsection (4)(b) if the claimant had been required to file a return.

(c) The combined income of two or more owners who are qualified claimants:

(i) may not exceed the married couple and head of household thresholds provided in subsection (2)(b); and

(ii) determines the amount of tax reduction under subsection (2)(b)."

8. Page 9, line 18.

Insert: "Section 4. Section 15-6-193, MCA, is amended to read:

"15-6-193. Extended property tax assistance -- phasein. (1) For the purpose of mitigating extraordinary market value increases during revaluation cycles that begin after December 31, 2008, the rate of taxation of ~~class four residential dwellings and appurtenant land not to exceed 5 acres otherwise set in 15-6-134(2)(a)~~ qualified residences is adjusted in this section for properties with extraordinary increases in market value with owners that meet income requirements.

(2) An annual application on a form provided by the department is required to receive a

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tax rate adjustment under this section. The application must be signed under oath. A tax rate adjustment may be granted only for the current tax year and may not be granted for a previous year.

(3) A rate adjustment may not be granted for:

(a) any property that was sold or for which the ownership was changed after December 31 of the last year of the previous revaluation cycle unless the change in ownership is between husband and wife or parent and child with only nominal actual consideration or the change is pursuant to a divorce decree;

(b) the value of new construction, including remodeling, on the property occurring after December 31 of the last year of the previous revaluation cycle that is greater than 25% of the market value of the improvements; or

(c) a land use change occurring after December 31 of the last year of the previous revaluation cycle that increases the market value of the land by more than 25%.

(4) For the purposes of determining the adjustment in the class four property tax rate in this section, the following provisions apply for revaluation cycles beginning after December 31, 2008:

~~(a) (i) The percentage increase in taxable value is measured as the percentage change in taxable value before reappraisal to the taxable value after reappraisal. The taxable value before reappraisal is calculated by multiplying the value before reappraisal times the result of 1.00 minus the homestead exemption before reappraisal times the tax rate before reappraisal. The taxable value after reappraisal is calculated by multiplying the market value after reappraisal times the result of 1.00 minus the homestead exemption after reappraisal times the tax rate after reappraisal.~~

~~—— (ii) The tax rate before reappraisal is the tax rate that was in effect during the last year of the previous reappraisal cycle.~~

~~—— (iii) The tax rate after reappraisal is the tax rate that will be in effect during the last year of the current reappraisal cycle.~~

~~—— (iv) The homestead exemption before reappraisal is the homestead exemption that was in effect during the last year of the previous reappraisal cycle.~~

~~—— (v) The homestead exemption after reappraisal is the homestead exemption that will be in effect during the last year of the current reappraisal cycle.~~

~~—— (b) The dollar increase in tax liability is measured as the percentage change in tax liability before reappraisal to the tax liability after reappraisal. The tax liability before reappraisal is calculated by multiplying the value before reappraisal times the result of 1.00 minus the homestead exemption before reappraisal times the tax rate before reappraisal times the mill levy applied to the property before reappraisal. The tax liability after reappraisal is calculated by multiplying the market value after reappraisal times the result of 1.00 minus the homestead exemption after reappraisal times the tax rate after reappraisal times the mill levy applied to the property before reappraisal. The mill levy applied to the property before reappraisal is the total of all mills applied to the property in the last year of the previous reappraisal cycle.~~

~~—— (c) Total household income is the sum of the income of all members of the household~~

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and all other persons who are owners of the property. Income, as used in this section, includes income from all sources, including net business income and otherwise tax-exempt income of all types but not including social security income paid directly to a nursing home. Net business income is gross income less ordinary expenses but before deducting depreciation or depletion allowance, or both. For an entity, as defined in subsection (8), income also includes the income of any natural person or entity that is a trustee of or controls 25% or more of the entity. A household is an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses. For single-family rental dwellings, total household income does not include the income of the tenant.

—— (d) The phase-in value is the valuation change made pursuant to 15-7-111(3) since the last reappraisal.

—— (5) (a) If total household income is \$25,000 or less, the percentage increase in taxable value is greater than 24%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate. The adjusted tax rate must be calculated such that the total increase in taxable value over the reappraisal cycle is 24% and such that the change in taxable value is phased in over the reappraisal cycle in equal increments.

—— (b) If total household income is greater than \$25,000 but less than or equal to \$50,000, the percentage increase in taxable value is greater than 30%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate. The adjusted tax rate must be calculated such that the total increase in taxable value over the reappraisal cycle is 30% and such that the change in taxable value is phased in over the reappraisal cycle in equal increments.

—— (c) If total household income is greater than \$50,000 but less than or equal to \$75,000, the percentage increase in taxable value is greater than 30%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate. The adjusted tax rate will be calculated such that the total increase in taxable value over the reappraisal cycle is 36% and such that the change in taxable value is phased in over the reappraisal cycle in equal increments.

(a) The change in taxable value before reappraisal is the 2008 tax year value adjusted for any new construction or destruction that occurred in the 2008 tax year. The taxable value before reappraisal for the 2009 tax year and subsequent years is the same as the 2008 tax year value if no new construction, destruction, land splits, land use changes, land reclassifications, land productivity changes, improvement grade changes, or other changes are made to the property during 2008 or subsequent tax years.

(b) The percentage increase in taxable value is measured as the percentage change in taxable value before reappraisal to the taxable value after reappraisal. The taxable value before reappraisal is calculated by multiplying the value before reappraisal in 2009 times 0.66 times 0.0301. The taxable value after reappraisal is calculated by multiplying the 2009 market value after reappraisal times 0.53 times 0.0247.

(c) The dollar increase in tax liability is measured as the change in tax liability before reappraisal to the tax liability after reappraisal. The tax liability before reappraisal is calculated by multiplying the value before reappraisal in 2009 times 0.66 times 0.0301 times the tax year

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2008 mill levy applied to the property. The tax liability after reappraisal is calculated by multiplying the 2009 market value after reappraisal times 0.53 times 0.0247 times the tax year 2008 mill levy applied to the property. The tax year 2008 mill levy is the total of all mills applied to the property for fiscal year 2009.

(d) Total household income is the sum of the income of all members of the household and all other persons who are owners of the property. Income, as used in this section, includes income from all sources, including net business income and otherwise tax-exempt income of all types but not including social security income paid directly to a nursing home. Net business income is gross income less ordinary expenses but before deducting depreciation or depletion allowance, or both. For an entity, as defined in subsection (8), income also includes the income of any natural person or entity that is a trustee of or controls 25% or more of the entity. A household is an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses. For single-family rental dwellings, total household income does not include the income of the tenant.

(e) The phase-in value is the valuation change made pursuant to 15-7-111(3) since the last reappraisal.

(5) (a) If total household income is \$25,000 or less, the percentage increase in taxable value is greater than 24%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate as follows:

(i) For tax year 2009, the tax rate is 0.03269 times the value before reappraisal divided by the 2009 phase-in value.

(ii) For tax year 2010, the tax rate is 0.03546 times the value before reappraisal divided by the 2010 phase-in value.

(iii) For tax year 2011, the tax rate is 0.03823 times the value before reappraisal divided by the 2011 phase-in value.

(iv) For tax year 2012, the tax rate is 0.04115 times the value before reappraisal divided by the 2012 phase-in value.

(v) For tax year 2013, the tax rate is 0.04374 times the value before reappraisal divided by the 2013 phase-in value.

(vi) For tax year 2014 and after, the tax rate is 0.04648 times the value before reappraisal divided by the 2014 phase-in value.

(b) If total household income is greater than \$25,000 but less than or equal to \$50,000, the percentage increase in taxable value is greater than 30%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate as follows:

(i) For tax year 2009, the tax rate is 0.03301 times the value before reappraisal divided by the 2009 phase-in value.

(ii) For tax year 2010, the tax rate is 0.03612 times the value before reappraisal divided by the 2010 phase-in value.

(iii) For tax year 2011, the tax rate is 0.03925 times the value before reappraisal divided by the 2011 phase-in value.

(iv) For tax year 2012, the tax rate is 0.04257 times the value before reappraisal divided by the 2012 phase-in value.

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(v) For tax year 2013, the tax rate is 0.0456 times the value before reappraisal divided by the 2013 phase-in value.

(vi) For tax year 2014 and after, the tax rate is 0.04873 times the value before reappraisal divided by the 2014 phase-in value.

(c) If total household income is greater than \$50,000 but less than or equal to \$75,000, the percentage increase in taxable value is greater than 36%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate as follows:

(i) For tax year 2009, the tax rate is 0.03332 times the value before reappraisal divided by the 2009 phase-in value.

(ii) For tax year 2010, the tax rate is 0.03678 times the value before reappraisal divided by the 2010 phase-in value.

(iii) For tax year 2011, the tax rate is 0.04028 times the value before reappraisal divided by the 2011 phase-in value.

(iv) For tax year 2012, the tax rate is 0.04399 times the value before reappraisal divided by the 2012 phase-in value.

(v) For tax year 2013, the tax rate is 0.04739 times the value before reappraisal divided by the 2013 phase-in value.

(vi) For tax year 2014 and after, the tax rate is 0.0598 times the value before reappraisal divided by the 2014 phase-in value.

(d) The adjusted tax rate computed under this subsection (5) must be rounded to the nearest 1/100 of 1%.

(6) A person who applies for a tax rate adjustment under this section shall provide the department with documentation of total household income and other information that the department considers necessary to determine the person's eligibility for the tax rate adjustment. Documents provided to the department to determine eligibility for a tax rate adjustment are subject to the confidentiality provisions in 15-30-303.

(7) A person who applies for a tax rate adjustment and submits a false or fraudulent application for a tax rate adjustment is guilty of false swearing under 45-7-202.

(8) For the purposes of this section;

(a) "entity" means:

~~(a)~~(i) a corporation, fiduciary, or pass-through entity, as those terms are defined in 15-30-101; and

~~(b)~~(ii) an association, joint-stock company, syndicate, trust or estate, or any other nonnatural person; and

(b) "qualified residence" means any class four residential dwelling in Montana that is a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home and as much of the surrounding land, not exceeding 1 acre, as is reasonably necessary for its use as a dwelling actually occupied by itself or in combination with another class four residential dwelling in Montana for at least 7 months a year."

Renumber: subsequent sections

9. Page 10, line 10 through line 11.

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Strike: section 5 in its entirety
Renumber: subsequent sections

10. Page 25, line 8 through line 10.

Strike: section 15 in its entirety

Insert: "NEW SECTION. Section 15. Appropriation -- contingency. (1) There is appropriated \$1,587,053 from the general fund to the department of revenue for the biennium ending June 30, 2011, for the administration of [this act].

(2) If there is a specific appropriation for the administration of the mitigation of reappraisal pursuant to [this act] in House Bill No. 2, then the appropriation made in subsection (1) is void."

Insert: "COORDINATION SECTION. Section 16. Coordination instruction. If both Senate Bill No. 115 and [this act] are passed and approved, then [section 1 of Senate Bill No. 115], amending 15-6-134, is void."

Renumber: subsequent sections

For the House:

Essmann, Chairman
Gebhardt
Gillan

For the Senate:

Jopek, Chairman
Lake
Blasdel
Barrett

FREE CONFERENCE COMMITTEE
on **House Bill 676**
Report No. 1, April 27, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 676** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 676** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 11 through line 15.

Following: "ALTERNATIVES;" on line 11

Strike: remainder of line 11 through "ALL;" on line 15

2. Title, page 1, lines 16 and 17.

Strike: "MODIFYING" on line 16 through "ACCOUNT;" on line 17

Strike: "A 1 PERCENT"

Insert: "AN"

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3. Title, page 1, line 22 through line 23.

Following: "PLAN;" on line 22

Strike: remainder of line 22 through "CONTRACEPTION;" on line 23

Insert: "REQUIRING NOTICE TO ENROLLEES OF RESTRICTIONS ON ACCESS TO HEALTH CARE PROVIDERS; PROVIDING THAT CONTRACTS TO IMPLEMENT THE CHILDREN'S HEALTH INSURANCE PROGRAM MAY NOT RESTRICT ACCESS TO HEALTH CARE PROVIDERS;"

4. Title, page 2, line 1 through line 2.

Following: "TAXES;" on line 1

Strike: remainder of line 1 through "PROGRAM;" on line 2

Insert: "PROVIDING CONDITIONS FOR THE SELECTION OF THE VENDOR FOR THE VEHICLE INSURANCE VERIFICATION SYSTEM;"

5. Title, page 2, line 4.

Strike: "53-4-1004,"

Following: "53-4-1005,"

Insert: "53-4-1007,"

6. Title, page 2, line 5.

Strike: "53-4-1115,"

7. Title, page 2, line 7.

Strike: "A"

Strike: "DATE"

Insert: "DATES"

8. Page 2, lines 11 through 23.

Strike: section 1 in its entirety

Renumber: subsequent sections

9. Page 9, lines 11 and 12.

Following: "Act" on line 11

Strike: remainder of line 11 through "AUTHORITY" on line 12

10. Page 10, lines 24 and 25.

Following: "Act" on line 24

Strike: remainder of line 24 through "AUTHORITY" on line 25

11. Page 22, lines 7 through 13.

Strike: section 15 in its entirety

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12. Page 23, line 13.

Strike: "\$248,546"

Insert: "\$253,468"

13. Page 23, line 17.

Strike: "\$22,362"

Insert: "\$22,805"

14. Page 23, line 22.

Strike: "\$22,362"

Insert: "\$22,805"

15. Page 23, line 26.

Strike: "\$63,331"

Insert: "\$64,585"

16. Page 24, line 20.

Strike: "\$6,158"

Insert: "\$6,280"

17. Page 24, line 25.

Strike: "\$4,811"

Insert: "\$4,906"

18. Page 24, line 30.

Strike: "\$4,811"

Insert: "\$4,906"

19. Page 25, line 4.

Strike: "\$6,158"

Insert: "\$6,280"

20. Page 26, line 22.

Strike: "The"

Insert: "Except as provided in subsection (3)(b), the"

21. Page 26.

Following: line 26

Insert: "(b) The commissioner shall deposit 16.67% of the money collected under 33-2-705 in the special revenue account provided for in 53-4-1115."

Renumber: subsequent subsection

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22. Page 30, line 13 through page 31, line 2.

Strike: section 20 in its entirety

Renumber: subsequent sections

23. Page 31, line 22.

Following: "~~program.~~"

Insert: "(3) The department is specifically prohibited from providing payment for birth control contraceptives under this program.

(4) The department shall notify enrollees of any restrictions on access to health care providers, of any restrictions on the availability of services by out-of-state providers, and of the methodology for an out-of-state provider to be an eligible provider."

24. Page 31.

Following: line 23

Insert: "Section 19. Section 53-4-1007, MCA, is amended to read:

"53-4-1007. (Temporary) Department may contract for services. (1) The department of public health and human services may administer the program directly or contract with insurance companies or other entities to provide services for a set monthly or yearly fee based on the number of participants in the program and the types of services provided or based on a fee for service as established by the department.

(2) The department of public health and human services may contract for a health care service based on a fee for service when the department does not contract for a health care service through an insurance plan, a health maintenance organization, or a managed care plan. A contract entered into or renewed on or after [the effective date of this act] may not limit enrollee access to providers who are willing to provide services at the rates provided for under the program. In operating the program and providing health services, the department may:

(a) pay providers on a fee-for-service basis in a self-funded program and contract with an insurance company, third-party administrator, or other entity to provide administrative services, including but not limited to processing and payment of claims with program funds;

(b) purchase health coverage for eligible children from an insurance company or other entity through premiums, capitated payments, or other appropriate methods;

(c) purchase health coverage as provided in subsection (2)(b) for some types of health services and contract directly with providers for other types of health services on a fee-for-service basis; or

(d) pay providers on a fee-for-service basis and directly provide administrative services in a self-funded program.

(3) If the department of public health and human services contracts with an insurance company or other entity to administer the program as provided in subsection (2)(b) or (2)(c), not more than 12% of the contract payment may be used for administrative expenses, including:

(a) direct and indirect expenses as specified in 33-22-1514;

(b) risk charges; and

(c) any applicable assessments, fees, and taxes.

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(4) If the department operates the program by providing administrative services under subsection (2)(a), (2)(c), or (2)(d), the department's administrative expense may not exceed the lesser of 10% of total program expenses or the applicable federal limitation, excluding costs for federally required audits.

(5) (a) An insurance company or other entity that contracts with the department for a fully insured contract as provided in subsection (2)(b) shall calculate the surplus account balance at the end of each contract year and may retain an amount equal to 50% of the risk charge allowed under the contract. The remainder of the surplus balance must be deposited in the state special revenue account provided for in 53-4-1012.

(b) For the purposes of this subsection (5):

(i) "risk charge" means the percentage of the administrative expense allowed in the contract for assuming the risk;

(ii) "surplus account balance" means funds that remain after all claims and all administrative expenses have been paid for a claim period. (Terminates on occurrence of contingency--sec. 15, Ch. 571, L. 1999; sec. 7, Ch. 565, L. 2005; sec. 5, Ch. 129, L. 2007.)"

Renumber: subsequent sections

25. Page 32, lines 7 through 25.

Strike: section 23 in its entirety

Renumber: subsequent sections

26. Page 38.

Following: line 16

Insert: "NEW SECTION. Section 29. Vehicle insurance verification system -- vendor requirement. In order to reduce state risk, a vendor who successfully bids on the vehicle insurance verification system project must have installed in at least two other states a substantially similar system, which must be in production."

Renumber: subsequent sections

27. Page 38, lines 21 through 26.

Following: "instruction." on line 21

Strike: remainder of line 21 through "(3)" on line 26

Strike: "28"

Insert: "25"

28. Page 38, line 27.

Strike: "28"

Insert: "25"

29. Page 38.

Following: line 28

Insert: "COORDINATION SECTION. Section 32. Coordination instruction. If

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House Bill No. 152 and [this act] are both passed and approved, then [section 22] of House Bill No. 152 must be amended as follows:

"NEW SECTION. Section 22. Applicability. [Section 18] applies to rental payments beginning January 1, ~~2011~~ 2012."

Renumber: subsequent sections

30. Page 39, line 1.

Strike: "8"

Insert: "7"

31. Page 39, line 3.

Strike: "16"

Insert: "14"

32. Page 39, line 6.

Following: "**Termination.**"

Insert: "(1)"

Strike: "10"

Insert: "9"

33. Page 39, line 7.

Strike: "12"

Insert: "11"

34. Page 39.

Following: line 7

Insert: "(2) [Section 15] terminates June 30, 2013."

For the House:

Bales, Chairman

Lewis

Schmidt

For the Senate:

Sesso, Chairman

Hiner

Hawk

Jones

MESSAGES FROM THE SENATE

House bill passed and transmitted to the House for concurrence:

4/27/2009

HB 158, introduced by Augare

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House bill concurred in and returned to the House: 4/27/2009

HB 52, introduced by McNutt

Free Conference Committee Report No.1 adopted: 4/27/2009

SB 171, introduced by Barkus

Governor's amendments to **Senate bill** concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/27/2009

SB 263, introduced by Shockley

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Speaker Bergren in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 371 - Free Conference Committee Report No. 1 - Representative Hunter moved the Free Conference Committee report to **SB 371** be **not** adopted. Motion carried as follows:

Yeas: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 52

Nays: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bergren moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, A. Noonan, P. Noonan, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 77

Nays: Bean, Berry, Boniek, Hendrick, Kasten, McGillvray, Mendenhall, Miller, Nooney, Randall, Regier, Reichner, Roberts, Sales, Taylor, Vance, Warburton, Wiseman.
Total 18

Excused: None.

Total 0

Absent or not voting: Arntzen, Klock, Malek, Morgan, O'Hara.
Total 5

MESSAGES FROM THE GOVERNOR

April 27, 2009

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

HOUSE JOURNAL
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Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 476, **“AN ACT REVISING THE CRIME OF THEFT; RAISING THE MONETARY THRESHOLD FOR FELONY THEFT AND REVISING PENALTIES; AND AMENDING SECTIONS 45-2-101, 45-6-301, 45-6-309, 45-6-311, AND 45-6-313, MCA.”**

Senate Bill 476 increases from \$1,000 to \$2,500 the threshold for classifying certain property crimes as felony rather than misdemeanor. My primary concern with the bill lies in the fact that the increase in the threshold applies to some but not all property crimes. Specifically, it applies to the crimes of theft, failure to return rented or leased personal property, unlawful use of a computer, and medicaid fraud. In contrast, it does *not* apply to the crimes of criminal mischief, issuing a bad check, identity theft, unauthorized acquisition of food stamps, and other property crimes.

It does not make sense to me that the crime of stealing \$1500, or even \$2,499, from a corner grocery store would be classified as a misdemeanor, while the crime of writing a bad check for \$1500 to the same grocery store would be classified as a felony. Similarly, it does not make sense to me that the threshold for the crime of felony medicaid fraud would be raised to \$2,500 (a crime that is typically committed by doctors), while the crime of unauthorized acquisition of food stamps valued in excess of \$1,000 would constitute a felony (typically committed by poor people).

My amendments to Senate Bill 476, therefore, change the threshold for the classification of property crimes as misdemeanor, as opposed to felony, to all property crimes, not only the four listed in the bill that was presented to me. Additionally, a consequence of increasing the threshold for what constitutes a felony will be additional work in the justice courts. Therefore, I lowered the threshold that was contained in the bill presented to me from \$2,500 to \$1,500, so as not to overburden the justice courts with these changes. These changes should also assist by making the payment of restitution within the six month period, by those committing misdemeanors, a more realistic prospect.

Finally, consistent with my proposed amendments, I note that the last time the legislature amended the threshold determining whether the crime of theft is a misdemeanor or is a felony was 1999, and at that time, in addition to amending the threshold as to the crime of theft, the legislature also amended the threshold for the other property crimes covered by my amendment. I also note that in 1999, when the legislature amended the threshold distinguishing a misdemeanor from a felony property crime, the amendment was to increase the threshold, with respect to all crimes covered by the legislation, from \$500 to \$1,000. As in 1999, my amendment would entail a \$500 increase in the threshold, from \$1,000 to \$1,500.

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I have discussed my amendments with my friend, Senator Shockley, the sponsor of Senate Bill 476, who indicates his support.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

GOVERNOR'S AMENDMENTS
TO SENATE BILL 476

1. Title, line 5.

Following: "THEFT"

Insert: "AND OTHER OFFENSES AGAINST PROPERTY"

2. Title, line 6.

Following: "THEFT"

Insert: "AND OTHER OFFENSES AGAINST PROPERTY"

3. Title, line 7.

Following: "45-2-101," on line 6

Insert: "45-6-101, 45-6-103, 45-6-104,"

Following: "45-6-311," on line 7

Strike: "AND"

Insert: "45-6-312,"

Following: "45-6-313,"

Insert: "45-6-316, 45-6-317, 45-6-325, 45-6-332, 45-6-341, AND 45-7-210,"

4. Page 10, line 12.

Strike: "\$2,500"

Insert: "\$1,500"

5. Page 10, line 13.

Strike: "\$2,500"

Insert: "\$1,500"

6. Page 10, line 22.

Following: line 21

Insert: "Section 2. Section 45-6-101, MCA, is amended to read:

"45-6-101. Criminal mischief. (1) A person commits the offense of criminal mischief if

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the person knowingly or purposely:

- (a) injures, damages, or destroys any property of another or public property without consent;
- (b) without consent tampers with property of another or public property so as to endanger or interfere with persons or property or its use;
- (c) damages or destroys property with the purpose to defraud an insurer; or
- (d) fails to close a gate previously unopened that the person has opened, leading in or out of any enclosed premises. This does not apply to gates located in cities or towns.

(2) A person convicted of criminal mischief must be ordered to make restitution in an amount and manner to be set by the court. The court shall determine the manner and amount of restitution after full consideration of the convicted person's ability to pay the restitution. Upon good cause shown by the convicted person, the court may modify any previous order specifying the amount and manner of restitution. Full payment of the amount of restitution ordered must be made prior to the release of state jurisdiction over the person convicted.

(3) A person convicted of the offense of criminal mischief shall be fined not to exceed ~~\$1,000~~ \$1,500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. If the offender commits the offense of criminal mischief and causes pecuniary loss in excess of ~~\$1,000~~ \$1,500, injures or kills a commonly domesticated hoofed animal, or causes a substantial interruption or impairment of public communication, transportation, supply of water, gas, or power, or other public services, the offender shall be fined an amount not to exceed \$50,000 or be imprisoned in the state prison for a term not to exceed 10 years, or both.

(4) Amounts involved in criminal mischiefs committed pursuant to a common scheme or the same transaction, whether against the public or the same person or several persons, may be aggregated in determining pecuniary loss."

{Internal References to 45-6-101:

13-35-206 x 45-8-405 x 85-7-1924 x 87-1-504x

87-1-505 x}"

Insert: "Section 3. Section 45-6-103, MCA, is amended to read:

"45-6-103. Arson. (1) A person commits the offense of arson when, by means of fire or explosives, the person knowingly or purposely:

(a) damages or destroys a structure, vehicle, personal property (other than a vehicle) that exceeds ~~\$1,000~~ \$1,500 in value, crop, pasture, forest, or other real property that is property of another without consent;

(b) damages or destroys a structure, vehicle, crop, pasture, forest, or other property that the person owns or has a possessory interest in, with the purpose of obtaining a pecuniary or other gain through fraud or deception; or

(c) places another person in danger of death or bodily injury, including a firefighter responding to or at the scene of a fire or explosion.

(2) A person convicted of the offense of arson shall be imprisoned in the state prison for a term not to exceed 20 years or be fined an amount not to exceed \$50,000, or both."

{Internal References to 45-6-103:

40-15-102 x 41-5-206 x 45-8-405 x 46-16-226x

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46-23-502 x}"

Insert: "Section 4. Section 45-6-104, MCA, is amended to read:

"45-6-104. Desecration of capitol, place of worship, cemetery, or public memorial.

(1) In this section, "capitol" means the Montana state capitol building and any permanent monuments on the capitol grounds.

(2) A person commits the offense of desecration if the person purposely:

(a) defiles or defaces the capitol or a place of worship, cemetery, or public memorial;

(b) places on or attaches to the capitol or a place of worship, cemetery, or public memorial any mark, design, or material not properly a part of the capitol, place of worship, cemetery, or public memorial; or

(c) injures, damages, or destroys any portion of the capitol or of a place of worship, cemetery, or public memorial.

(3) A person convicted of the offense of desecration shall be:

(a) incarcerated for any term not to exceed 6 months or be fined an amount not to exceed \$500, or both, if the damage does not exceed ~~\$1,000~~ \$1,500; or

(b) imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both, if there is ~~\$1,000~~ \$1,500 or more of damage.

(4) With regard to the capitol, this section does not apply to displays or actions authorized by the department of administration."

{Internal References to 45-6-104: None.x}"

Renumber: subsequent sections

7. Page 12, line 9.

Strike: the first "\$2,500"

Insert: "\$1,500"

Strike: the second "\$2,500"

Insert: "\$1,500"

8. Page 12, line 11.

Strike: "\$2,500"

Insert: "\$1,500"

9. Page 12, line 12.

Strike: "\$2,500"

Insert: "\$1,500"

10. Page 12, line 15.

Strike: "\$2,500"

Insert: "\$1,500"

11. Page 13, line 9.

Strike: the first "\$2,500"

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Insert: "\$1,500"

Strike: the second "\$2,500"

Insert: "\$1,500"

12. Page 13, line 11.

Strike: "\$2,500"

Insert: "\$1,500"

13. Page 13, line 25.

Strike: the first "\$2,500"

Insert: "\$1,500"

Strike: the second "\$2,500"

Insert: "\$1,500"

14. Page 13, line 27.

Strike: "\$2,500"

Insert: "\$1,500"

15. Page 14, line 1.

Following: page 13, line 30

Insert: "**Section 8.** Section 45-6-312, MCA, is amended to read:

"45-6-312. Unauthorized acquisition or transfer of food stamps. (1) A person commits the offense of unauthorized acquisition or transfer of food stamps if the person knowingly:

(a) acquires, purchases, possesses, or uses any food stamp or coupon that the person is not entitled to; or

(b) transfers, sells, trades, gives, or otherwise disposes of any food stamp or coupon to another person not entitled to receive or use it.

(2) A person convicted of an offense under this section shall be fined not more than ~~\$1,000~~ \$1,500 or be imprisoned in the county jail for not more than 6 months, or both. A person convicted of an offense under this section, which offense is part of a common scheme or in which the value of the food stamps exceeds ~~\$1,000~~ \$1,500, shall be fined not more than \$50,000 or be imprisoned in the state prison for not more than 10 years, or both.

(3) As used in this section, "food stamp or coupon" means any stamp, coupon, or type of certification provided for the purchase of eligible food pursuant to the Food Stamp Act of 1977, 7 U.S.C. 2011 through 2029, or any similar public assistance program."

{Internal References to 45-6-312: None.x}"

Renumber: subsequent sections

16. Page 14, line 26.

Strike: the first "\$2,500"

Insert: "\$1,500"

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Strike: the second "\$2,500"

Insert: "\$1,500"

17. Page 14, line 28.

Strike: "\$2,500"

Insert: "\$1,500"

18. Page 14, line 29.

Strike: "\$2,500"

Insert: "\$1,500"

19. Page 15, line 2.

Strike: "\$2,500"

Insert: "\$1,500"

20. Page 15, line 22.

Following: line 21

Insert: "**Section 10.** Section 45-6-316, MCA, is amended to read:

"45-6-316. Issuing a bad check. (1) A person commits the offense of issuing a bad check when the person issues or delivers a check or other order upon a real or fictitious depository for the payment of money knowing that it will not be paid by the depository.

(2) If the offender has an account with the depository, failure to make good the check or other order within 5 days after written notice of nonpayment has been received by the issuer is prima facie evidence that the offender knew that it would not be paid by the depository.

(3) A person convicted of issuing a bad check shall be fined not to exceed ~~\$1,000~~ \$1,500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. If the offender has engaged in issuing bad checks that are part of a common scheme or if the value of any property, labor, or services obtained or attempted to be obtained exceeds ~~\$1,000~~ \$1,500, the offender shall be fined not to exceed \$50,000 or be imprisoned in the state prison for any term not to exceed 10 years, or both."

{Internal References to 45-6-316:

27-1-717 x 44-1-1103 x}"

Insert: "**Section 11.** Section 45-6-317, MCA, is amended to read:

"45-6-317. Deceptive practices. (1) A person commits the offense of deceptive practices when the person purposely or knowingly:

(a) causes another, by deception or threat, to execute a document disposing of property or a document by which a pecuniary obligation is incurred;

(b) makes or directs another to make a false or deceptive statement addressed to the public or any person for the purpose of promoting or procuring the sale of property or services;

(c) makes or directs another to make a false or deceptive statement to any person respecting the financial condition of the person making or directing another to make the statement for the purpose of procuring a loan or credit or accepts a false or deceptive statement

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from any person who is attempting to procure a loan or credit regarding that person's financial condition; or

(d) obtains or attempts to obtain property, labor, or services by any of the following means:

- (i) using a credit card that was issued to another without the other's consent;
- (ii) using a credit card that has been revoked or canceled;
- (iii) using a credit card that has been falsely made, counterfeited, or altered in any material respect;
- (iv) using the pretended number or description of a fictitious credit card;
- (v) using a credit card that has expired when the credit card clearly indicates the expiration date.

(2) A person convicted of the offense of deceptive practices shall be fined not to exceed ~~\$1,000~~ \$1,500 or imprisoned in the county jail for a term not to exceed 6 months, or both. If the deceptive practices are part of a common scheme or the value of any property, labor, or services obtained or attempted to be obtained exceeds ~~\$1,000~~ \$1,500, the offender shall be fined not to exceed \$50,000 or be imprisoned in the state prison for a term not to exceed 10 years, or both."

{Internal References to 45-6-317:

33-1-1302 x 37-51-104 x 37-51-104 x 45-2-311 x}"

Insert: "Section 12. Section 45-6-325, MCA, is amended to read:

"45-6-325. Forgery. (1) A person commits the offense of forgery when with purpose to defraud the person knowingly:

- (a) without authority makes or alters a document or other object apparently capable of being used to defraud another in a manner that it purports to have been made by another or at another time or with different provisions or of different composition;
- (b) issues or delivers the document or other object knowing it to have been thus made or altered;
- (c) possesses with the purpose of issuing or delivering any such document or other object knowing it to have been thus made or altered; or
- (d) possesses with knowledge of its character any plate, die, or other device, apparatus, equipment, or article specifically designed for use in counterfeiting or otherwise forging written instruments.

(2) A purpose to defraud means the purpose of causing another to assume, create, transfer, alter, or terminate any right, obligation, or power with reference to any person or property.

(3) A document or other object capable of being used to defraud another includes but is not limited to one by which any right, obligation, or power with reference to any person or property may be created, transferred, altered, or terminated.

(4) A person convicted of the offense of forgery shall be fined not to exceed ~~\$1,000~~ \$1,500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. If the forgery is part of a common scheme or if the value of the property, labor, or services obtained or attempted to be obtained exceeds ~~\$1,000~~ \$1,500, the offender shall be fined not to exceed \$50,000 or be imprisoned in the state prison for any term not to exceed 20 years, or both."

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{Internal References to 45-6-325:

45-8-405 x}"

Insert: "Section 13. Section 45-6-332, MCA, is amended to read:

"45-6-332. Theft of identity. (1) A person commits the offense of theft of identity if the person purposely or knowingly obtains personal identifying information of another person and uses that information for any unlawful purpose, including to obtain or attempt to obtain credit, goods, services, financial information, or medical information in the name of the other person without the consent of the other person.

(2) (a) A person convicted of the offense of theft of identity if no economic benefit was gained or was attempted to be gained or if an economic benefit of less than ~~\$1,000~~ \$1,500 was gained or attempted to be gained shall be fined an amount not to exceed ~~\$1,000~~ \$1,500, imprisoned in the county jail for a term not to exceed 6 months, or both.

(b) A person convicted of the offense of theft of identity if an economic benefit of ~~\$1,000~~ \$1,500 or more was gained or attempted to be gained shall be fined an amount not to exceed \$10,000, imprisoned in a state prison for a term not to exceed 10 years, or both.

(3) As used in this section, "personal identifying information" includes but is not limited to the name, date of birth, address, telephone number, driver's license number, social security number or other federal government identification number, tribal identification card number, place of employment, employee identification number, mother's maiden name, financial institution account number, credit card number, or similar identifying information relating to a person.

(4) If restitution is ordered, the court may include, as part of its determination of an amount owed, payment for any costs incurred by the victim, including attorney fees and any costs incurred in clearing the credit history or credit rating of the victim or in connection with any civil or administrative proceeding to satisfy any debt, lien, or other obligation of the victim arising as a result of the actions of the defendant."

{Internal References to 45-6-332:

30-14-1701 x 30-14-1712 x 30-14-1728 x 31-3-132x

31-3-132 x 31-3-132 x 33-18-605 x 33-19-410x

46-24-218 x 46-24-219 x 46-24-220 x}"

Insert: "Section 14. Section 45-6-341, MCA, is amended to read:

"45-6-341. Money laundering. (1) A person commits the offense of money laundering if the person knowingly:

(a) receives or acquires the proceeds of, or engages in transactions involving proceeds of, any activity that is unlawful under the laws of the United States or the state in which the activity occurred;

(b) gives, sells, transfers, trades, invests, conceals, transports, or otherwise makes available anything of value that the person knows is intended to be used for the purpose of committing or furthering the commission of any activity that is unlawful under the laws of the United States or the state in which the committing or furthering of the commission of the activity occurs;

(c) directs, plans, organizes, initiates, finances, manages, supervises, or facilitates the

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transportation or transfer of proceeds that the person knows are derived from any activity that is unlawful under the laws of the United States or the state in which the activity occurred; or

(d) conducts a financial transaction involving proceeds that the person knows are derived from any activity that is unlawful under the laws of the United States or the state in which the activity occurred when the transaction is designed in whole or in part to conceal or disguise the nature, location, source, ownership, or control of the proceeds or to avoid a transaction reporting requirement under federal law.

(2) A person convicted of money laundering shall be fined an amount not to exceed ~~\$1,000~~ \$1,500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. If the money laundering is part of a common scheme or if the value of the proceeds or item of value exceeds ~~\$1,000~~ \$1,500, the person shall be fined not to exceed \$50,000 or be imprisoned in the state prison for a term not to exceed 20 years, or both.

(3) (a) Upon conviction, the court shall order the following property possessed by a person convicted of money laundering to be forfeited:

(i) money, including digital currency, and raw materials, products, equipment of any kind, and any other personal property involved in the money laundering;

(ii) personal property constituting or derived from proceeds obtained directly or indirectly from the money laundering; and

(iii) real property, including any right, title, and interest in any lot or tract of land and any appurtenances or improvements, that is directly used or intended to be used in any manner to commit or facilitate the commission of, or that is derived from or maintained by the proceeds resulting from, the money laundering.

(b) The sheriff of the county where forfeited property is located shall sell the property at auction. The proceeds of the sale must be deposited in the state general fund.

(4) For purposes of this section, "digital currency" means money represented by digital information that is stored, spent, and transferred electronically by a person as part of a financial transaction."

{Internal References to 45-6-341: None.x}"

Insert: "Section 15. Section 45-7-210, MCA, is amended to read:

"45-7-210. False claim to public agency. (1) A person commits an offense under this section if the person knowingly presents for allowance, for payment, or for the purpose of concealing, avoiding, or decreasing an obligation to pay a false or fraudulent claim, bill, account, voucher, or writing to a public agency, public servant, or contractor authorized to allow or pay valid claims presented to a public agency.

(2) (a) Except as provided in subsection (2)(b), a person convicted of an offense under this section shall be fined not to exceed ~~\$1,000~~ \$1,500 or imprisoned in the county jail for a term not to exceed 6 months, or both.

(b) If a false or fraudulent claim is knowingly submitted as part of a common scheme or if the value of the claim or the aggregate value of one or more claims exceeds ~~\$1,000~~ \$1,500, a person convicted of an offense under this section shall be fined not to exceed \$10,000 or imprisoned in the state prison for a term not to exceed 10 years, or both."

{Internal References to 45-7-210: None.x}"

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- END -

Rep. Mendenhall announced that the House Republicans will caucus directly after session.

Committees were announced by committee chairs.

Representative Campbell moved that the House adjourn until 8:00 a.m., Monday, April 27, 2009.
Motion carried.

House adjourned at 4:43 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

**HOUSE JOURNAL
61ST LEGISLATURE
NINETIETH LEGISLATIVE DAY**

Helena, Montana
April 28, 2009

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Mendenhall. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Hoven and Kottel, excused. Quorum present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 65 Governor's Amendments, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilson, Wiseman, Mr. Speaker.
Total 81

Nays: B. Beck, Blasdel, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, Mendenhall, Miller, More, Randall, Reichner, Sales, Smith, Sonju, Wagner, Welborn.
Total 18

Excused: None.
Total 0

Absent or not voting: Wilmer.
Total 1

SB 171 Free Conference Committee report, adopted in as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 90

Nays: Augare, Becker, Caferro, Campbell, Cohenour, Malek, Menahan, Pease-Lopez, Van Dyk, Wiseman.
Total 10

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 348 failed (due to 2/3 vote requirement) as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Boss Ribs, Brown, Caferro, Dickenson, Furey, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Klock, MacLaren, Malek, McAlpin, McChesney, McGillvray, McNutt, Menahan, Mendenhall, Milburn, More, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Sales, Smith, Stahl, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson.

Total 58

Nays: P. Beck, Belcourt, Blewett, Boland, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Getz, Glaser, Hawk, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Kasten, Kerns, Kottel, Lake, MacDonald, McClafferty, Mehlhoff, Miller, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Villa, Washburn, Wiseman, Mr. Speaker.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 503 concurred in as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Butcher, Driscoll, Ebinger, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn, Wilmer.

Total 54

Nays: Augare, Barrett, Becker, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Menahan, Miller, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Van Dyk, Villa, Washburn, Wilson, Wiseman, Mr. Speaker.

Total 45

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

SB 507 Governor's Amendments, adopted in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger,

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Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 98

Nays: Getz, Himmelberger.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

COMMUNICATIONS AND PETITIONS

The Journals for the 65th through 88th Legislative Days have been found to be correct, signed and have been filed with the Secretary of State.

MESSAGES FROM THE SENATE

HB 123 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 123**:

4/27/2009

Senator Brueggemann, Chair

Senator T. Brown

Senator Hansen

Free Conference Committee Report No.1 passed 2nd Reading:

4/27/2009

HB 5, introduced by Sesso

HB 645, introduced by Sesso

SB 371, introduced by Perry

Rep. Mendenhall announced that the House Republicans will caucus for 20 minutes.

Rep. Phillips announced that the House Democrats will stand at ease.

Mr. Speaker announced that the House will recess until 8:35 a.m.

The House recessed 8:16 a.m.

The House came to order at 8:52 p.m.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **House Bill 2**

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Report No. 1, April 28, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 2** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 2** (reference copy -- salmon) be amended as follows:

1. Page A-1, line 9.

Strike: "748,544" [general fund FY 10]

Insert: "784,458" [general fund FY 10]

2. Page A-1, line 12.

Strike: "1,921,643" [general fund FY 10]

Insert: "1,941,643" [general fund FY 10]

3. Page A-2, line 3 through line 4.

Strike: line 3 through line 4 in their entirety

4. Page A-2, line 6.

Strike: "IF SENATE BILL No. 460 IS PASSED AND APPROVED,"

Strike: "IS REDUCED BY"

Insert: "includes one-time-only money of"

Following: "2010 AND"

Strike: "BY"

5. Page A-2, line 7.

Following: "FISCAL YEAR 2011" on line 7

Insert: "for monitoring of the federal American Recovery and Reinvestment Act of 2009."

6. Page A-2, line 18.

Strike: "2,461,531 2,463,759" [general fund FY10 and FY11]

Insert: "2,733,434 2,738,417" [general fund FY10 and FY11]

7. Page A-3, line 22.

Strike: "reductions"

Insert: "increases"

Following: "money of "

Strike: "\$183,161"

Insert: "\$88,742"

Following: "2010 and "

Strike: "\$183,161"

Insert: "\$91,497"

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8. Page A-4, line 1.

Strike: "reductions"

Insert: "increases"

9. Page A-6, line 12.

Strike: "2,564,823 2,632,131" [general fund FY10 and FY11]

Insert: "4,314,823 4,382,131" [general fund FY10 and FY11]

10. Page A-6.

Following: line 14

Insert: "b. Restoration of Unspecified Reduction (OTO)

250,000 250,000" [general fund in FY10 and FY11]

11. Page A-7.

Following: line 9

Insert: "c. SB 503 -- Montana Economic Stimulus Act

86,166 77,066" [general fund in FY 2010 and FY 2011]

12. Page A-7.

Following: line 11

Insert: "a. HB 658 -- Mitigate Reappraisal (OTO)

808,646 778,407" [general fund in FY 2010 and FY 2011]

13. Page A-7, line 16.

Strike: "\$3,002,852" in both places

Insert: "\$1,252,852" in both places

14. Page A-7.

Following: line 17

Insert: "The agency may allocate Restoration of Unspecified Reduction among programs when developing 2011 biennium operating plans."

15. Page A-7.

Following: line 21

Insert: "If Senate Bill No. 503 is not passed and approved, SB 503 -- Montana Economic Stimulus Act is void.
If House Bill No. 658 is not passed and approved, HB 658 -- Mitigate Reappraisal is void."

16. Page A-8.

Following: line 10

Insert: "b. HB 213 -- Establish Southwestern Montana Veterans' Home (OTO) 32,253"

[state special fund
in FY 2010]

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17. Page A-8, line 16.

Strike: "263,132 263,132" [federal special fund in FY 2010 and FY 2011]

Insert: "526,264" [federal special fund in FY 2010]

18. Page A-8.

Strike: line 20 through line 21 in their entirety

Insert: "b. SB 57 -- Revise Laws Governing Special Districts 42,000 35,850" [state special fund in FY 2010 and FY 2011]

19. Page A-9.

Following: line 5

Insert: "c. SB 351 -- Revise Residential Mortgage Licensing Law 37,912 30,970" [state special revenue in FY 2010 and FY 2011]

20. Page A-10.

Following: line 1

Insert: "If House Bill No. 213 is not passed and approved, HB 213 -- Establish Southwestern Montana Veterans' Home is void."

21. Page A-10.

Following: line 19

Insert: "g. High-Performance Computing (OTO)
1,000,000 1,000,000" [general fund in FY 2010 and FY 2011]

22. Page A-11, line 12.

Strike: "3,000,000" [state special fund FY 10]

Insert: "4,336,784 1,399,859" [state special fund FY 10 and FY 11]

23. Page A-12.

Strike: line 8

24. Page A-12.

Following: line 11

Insert: "If Senate Bill No. 100 is not passed and approved, the appropriation for Coal Board Local Impact Grants is reduced by \$1,336,784 state special revenue in fiscal year 2010 and \$1,399,859 state special revenue in fiscal year 2011."

25. Page A-12, line 22.

Strike: "9,997,707 9,982,154" [state special fund FY 10 and FY 11]

Insert: "10,018,677 10,003,124" [state special fund FY 10 and FY 11]

26. Page A-13, line 4.

Strike: "14,377,938 14,394,755" [state special fund FY 10 and FY 11]

Insert: "14,454,050 14,419,340" [state special fund FY 10 and FY 11]

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27. Page A-13.

Following: line 13

Insert: "If House Bill No. 662 is not passed and approved, the appropriation to the Business Standards Division is reduced by \$32,648 of state special revenue in fiscal year 2010 and by \$18,558 of state special revenue in fiscal year 2011.

If Senate Bill No. 271 is not passed and approved, the appropriation to the Business Standards Division is reduced by \$10,981 of state special revenue in fiscal year 2010.

If House Bill No. 578 is not passed and approved, the appropriation to the Business Standards Division is reduced by \$12,661 of state special revenue in fiscal year 2010."

28. Page B-1, line 4.

Strike: "31,632,822	32,510,189"	[general fund FY10 and FY11]
Insert: "31,646,022	32,523,389"	[general fund FY10 and FY11]
Strike: "1,274,231"		[state special fund FY10]
Insert: "1,274,369"		[state special fund FY10]

29. Page B-1, line 5.

Strike: "1,275,963"	[state special fund FY11]
Insert: "1,276,101"	[state special fund FY11]

Strike: " <u>199,038,960</u>	<u>207,258,400"</u>	[federal special fund FY10 and FY11]
Insert: "199,055,582	207,275,022"	[federal special fund FY10 and FY11]

30. Page B-1, line 10 through line 11.

Strike: line 10 through line 11 in their entirety

Renumber: subsequent sections

31. Page B-1

Following: line 22

Insert: "d. Rent Increases (Restricted)

150,797	163,073	[general fund FY10 and FY11]
1,573	1,701	[state special fund FY10]
156,071	168,777	[federal special fund FY10 and FY11]
e. Renewable Energy Certificates		
65,625" [state special revenue FY2011]		
f. Additional Universal System Benefits		
89,920	179,840	[state special revenue FY 10 and FY 11]
g. Renewable Energy Certificates		
65,625" [state special revenue FY2011]		
h. Additional Universal System Benefits		
89,920	179,840"	[state special revenue FY 10 and FY 11]

32. Page B-2, line 2.

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Strike: "27,596,106 28,578,012" [federal special fund FY10 and FY11]
Insert: "26,690,146 27,672,052" [federal special fund FY10 and FY11]

33. Page B-2, line 3.

Strike: "32,702,790 33,900,913" [general fund FY10 and FY11]
Insert: "32,915,112 34,113,235" [general fund FY10 and FY11]

34. Page B-2, line 9.

Strike: "277,000 277,000" [general fund FY10 and FY11]
Insert: "227,000 227,000" [general fund FY10 and FY11]
987,000 987,000" [federal special fund FY10 and FY11]

35. Page B-2

Following: line 9

Insert: "b. Rent Increases (Restricted)
190,189 206,148 [general fund FY10 and FY11]
106,982 115,958" [federal special fund FY10 and FY11]

36. Page B-2, line 14.

Strike: "1,741,420" [general fund FY 2010]
Insert: "2,215,067" [general fund FY 2010]

37. Page B-2

Following: line 14

Insert: "a. Rent Increases (Restricted)
65,292 61,057 [general fund FY10 and FY11]
126,854 118,628" [federal special fund FY10 and FY11]

38. Page B-2, line 20.

Strike: "2,275,020 2,279,527" [general fund FY10 FY11]
Insert: "2,611,399 2,645,967" [general fund FY10 FY11]

Strike: "17,660,979 17,688,454" [state special fund FY10 FY11]

Insert: "17,324,600 17,322,014" [state special fund FY10 FY11]

39. Page B-3

Following: line 15

Insert: "b. Rent Increases (Restricted)
26,160 28,059 [general fund FY10 and FY11]
5,414 5,797 [state special fund FY10 and FY11]
37,477 40,016" [federal special fund FY10 and FY11]

40. Page B-3, line 18.

Strike: "52,999,747 53,863,403" [general fund FY 10 and FY 11]
Insert: "55,180,831 56,044,487" [general fund FY 10 and FY 11]

41. Page B-4, line 6.

Strike: "2,252,469 2,322,868" [general fund FY 10 and FY 11]

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Insert: "1,252,469 1,322,868" [general fund FY 10 and FY 11]

42. Page B-4

Following: line 8

Insert: "d. Rent Increases (Restricted)

84,529 90,517 [general fund FY10 and FY11]

6,496 6,957 [state special fund FY10 and FY11]

54,965 58,859" [federal special fund FY10 and FY11]

e. Autism Home -- Bozeman (Restricted/Biennial/OTO) 400,000" [general fund FY 10]

43. Page B-4, line 10.

Strike: "119,398,495 127,982,185" [general fund FY 10 and FY 11]

Insert: "120,398,498 128,982,185" [general fund FY 10 and FY 11]

44. Page B-4, line 11.

Strike: "6,884,927 9,337,599" [state special fund FY10 and FY11]

Insert: "23,573,568 26,026,240" [state special fund FY10 and FY11]

Strike: "285,921,988 304,665,158" [federal special fund FY10 and FY11]

Insert: "322,263,666 341,006,836" [federal special fund FY10 and FY11]

45. Page B-4, line 14.

Strike: line 14

Insert: "22,011,707 22,460,950" [state special fund FY10 and FY11]

"74,277,475 75,793,424" [federal special fund FY10 and FY11]

46. Page B-4, line 21.

Following: "Restricted"

Insert: "/Biennial"

47. Page B-5.

Strike: line 1

Insert: "25,960,000" [state special fund FY10]

"86,762,536" [federal special fund FY10]

48. Page B-5, line 9.

Strike: "7,602,567 8,169,677" [general fund FY 10 and FY 11]

Insert: "6,602,567 7,169,677" [general fund FY 10 and FY 11]

49. Page B-5, following line 9.

Insert: "g. Medicaid Funding for Certain Transplants for Adults (Restricted/OTO)

703,168 997,877" [general fund FY 10 and FY 11]

"2,372,809 2,035,183" [federal special fund FY10 and FY11]

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"h. HIV Testing

43,335 46,542" [general fund FY 10 and FY 11]
"89,961 96,752" [federal special fund FY10 and FY11]

50. Page B-5, line 11.

Strike: "30,912,433" [state special fund FY11]
Insert: "31,301,593" [state special fund FY11]

51. Page B-5, line 12.

Strike: "53,677,632 53,813,843" [general fund FY 10 and FY 11]
Insert: "54,677,632 54,813,843" [general fund FY 10 and FY 11]
Strike: "29,945,880" [state special fund FY10]
Insert: "30,326,045" [state special fund FY10]

52. Page B-5, line 22.

Strike: "3,476,265 3,482,536" [general fund FY 10 and FY 11]
Insert: "2,476,265 2,482,536" [general fund FY 10 and FY 11]

53. Page B-6, line 10.

Strike: "60,089,322 60,310,060" [general fund FY10 and FY11]
Insert: "64,355,585 65,585,660" [general fund FY10 and FY11]
Strike: "8,178,820 8,706,730" [state special fund FY10 and FY11]
Insert: "8,422,010 8,957,218" [state special fund FY10 and FY11]

54. Page B-6, line 17.

Strike: "1,318,879 1,374,740" [general fund FY 10 and FY 11]
Insert: "318,879 374,740" [general fund FY 10 and FY 11]

55. Page B-6, line 19.

Strike: "240,866 239,454" [general fund FY10 and FY11]
Insert: "1,240,866 1,239,454" [general fund FY10 and FY11]
Strike: "1,102,485 1,097,369" [state special fund FY 10 and FY 11]

56. Page B-8, line 19 through page B-9, line 4.

Strike: line 19 on page B-8 through line 4 on page B-9

57. Page B-10.

Strike: line 1 through line 3

58. Page B-10.

Strike: line 9 through line 10

Insert: "HIV Testing is contingent upon passage and approval of Senate Bill No. 350."

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59. Page B-10, line 13 through line 14.

Following: "increased" on line 13

Strike: remainder of line 13 through line 14

Insert: "by \$18,750 in general fund money each year of the biennium."

60. Page C-1, line 8.

Strike: "9,469,445 9,534,605" [state special fund FY10 and FY11]

Insert: "9,031,578 9,053,522" [state special fund FY10 and FY11]

Strike: "492,114 503,729" [federal special fund FY10 and FY11]

Insert: "348,721 349,252" [federal special fund FY10 and FY11]

61. Page C-1.

Following: line 12

Insert: "c. Come Home to Hunt Pilot Project (Restricted) 493,000 493,000" [state special revenue fund FY10 and FY11]

62. Page C-1, line 14.

Strike: "8,191,104 8,220,167" [federal special fund FY10 and FY11]

Insert: "8,271,104 8,300,167" [federal special fund FY10 and FY11]

63. Page C-1, line 22.

Strike: "5,144,584 5,172,913" [state special fund FY10 and FY11]

Insert: "5,370,178 5,430,907" [state special fund FY10 and FY11]

64. Page C-3.

Following: line 5

Insert: "If House Bill No. 674 is not passed and approved, Field Services Division is increased by \$437,861 state special revenue and \$143,393 federal special revenue in fiscal year 2010 and \$481,083 state special revenue and \$154,477 federal special revenue in fiscal year 2011.

If House Bill No. 585 is not passed and approved, Come Home to Hunt Pilot Project is void.

If Senate Bill No. 425 is not passed and approved, Fisheries Division is reduced by \$80,000 federal special revenue in fiscal year 2010 and fiscal year 2011."

65. Page C-4.

Strike: line 6 through line 9 in their entirety

66. Page C-4, line 11.

Strike: "1,336,464 1,347,933" [general fund FY10 and FY11]

Insert: "1,595,184 1,631,821" [general fund FY10 and FY11]

Strike: "16,137,785 16,163,363" [state special fund FY10 and FY11]

Insert: "16,435,227 16,450,096" [state special fund FY10 and FY 11]

67. Page C-4.

Following: line 15

Insert: "c. Restoration of Unspecified Reduction (OTO)

250,000 250,000" [general fund in FY10 and FY11]

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68. Page C-5.

Strike: line 6 through line 7 in their entirety

69. Page C-5.

Following: line 9

Insert: "If Senate Bill No. 360 is not passed and approved, then Permitting and Compliance Division is reduced by \$8,720 general fund in fiscal year 2010 and by \$33,888 in fiscal year 2011.

If House Bill No. 678 is not passed and approved, Permitting and Compliance Division is reduced by \$297,442 state special revenue in fiscal year 2010 and \$286,733 state special revenue in fiscal year 2011.

The agency may allocate Restoration of Unspecified Reduction among programs when developing 2011 biennium operating plans."

70. Page C-6.

Strike: line 21 through line 22 in their entirety

Insert: "b. Senior Transportation (Restricted/Biennial/OTO) 300,000" [state special fund in FY 2010]

71. Page C-7.

Strike: line 12 in its entirety

Insert: "State special revenue for Emergency Medical Services Grants may be decreased and federal special revenue increased by a like amount if federal funds are available for the purposes of House Bill No. 85.

Senior Transportation may be used only for the purposes identified in 7-14-112. If House Bill No. 645 does not include a transfer of \$300,000 from the general fund to the senior citizen and persons with disabilities transportation services account established by 7-14-112, Senior Transportation is void."

72. Page C-7, line 16.

Strike: "49,647" [general fund FY11]

Insert: "49,317" [general fund FY11]

73. Page C-8, line 1.

Strike: "468,310 475,057" [general fund FY10 and FY11]

Insert: "441,457 448,192" [general fund FY10 and FY11]

Strike: "1,288,368 1,540,829" [state special fund FY10 and FY11]

Insert: "1,315,221 1,567,694" [state special fund FY10 and FY11]

74. Page C-9, line 4.

Strike: "134,291 133,361" [general fund FY10 and FY11]

Insert: "250,000 250,000" [general fund FY10 and FY11]

Insert: "169,447 455,274" [state special fund FY10 and FY11]

75. Page C-10.

Following: line 21

Insert: "d. Board of Oil and Gas Conservation Technical FTE (Restricted) 74,654 74,676" [state special fund FY10 and FY11]

e. CBM -- Water Production Study (Biennial/OTO) 50,000" [general fund FY2010]

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76. Page C-11, line 1.

Strike: "3,262,479 3,284,005" [state special fund FY10 and FY11]

Insert: "3,122,479 3,144,005" [state special fund FY10 and FY11]

77. Page C-11.

Following: line 5

Insert: "c. Conservation District Grants (Restricted/OTO) 80,000 80,000" [state special fund FY10 and FY11]

78. Page C-11.

Following: line 7

Insert: "a. Update State Water Plan (Restricted/OTO) 154,735 152,085" [general fund FY10 and FY11]

79. Page C-11, line 11.

Strike: "15,869,216 16,003,083" [state special fund FY10 and FY11]

Insert: "15,894,216 16,028,083" [state special fund FY10 and FY11]

80. Page C-11.

Following: line 17

Insert: "d. Reliance Refinery Cleanup (Restricted/Biennial/OTO) 5,100,000 4,500,000" [state special fund FY10 and FY11]

"e. Navigable Rivers 10,000 10,000" [state special fund FY10 and FY11]

81. Page C-11.

Following: line 22.

Insert: "If House Bill No. 575 is not passed and approved, CBM -- Water Production Study is void."

82. Page C-12.

Following: line 8

Insert: "If House Bill No. 676 is not passed and approved with an amendment to the coal tax shared fund, Conservation District Grants is void."

83. Page C-12.

Following: line 15

Insert: "If Senate Bill No. 303 is not passed and approved, Update State Water Plan is void.

If House Bill No. 674 is not passed and approved, Forestry and Trust Lands is reduced by \$25,000 state special revenue in fiscal year 2010 and in fiscal year 2011.

The department may use up to \$600,000 of Reliance Refinery Cleanup funds for grants to community partners for the purpose of furthering or expediting remediation or redevelopment activities.

If Senate Bill No. 507 is not passed and approved, Navigable Rivers is void."

84. Page C-13.

Following: line 10

Insert: "c. Fertilizer Check-Off Research 200,152 200,152" [state special fund FY10 and FY11]

85. Page C-13, line 14.

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Following: "("
Insert: "Restricted/"

86. Page C-13, line 16.

Strike: "250,000 250,000" [state special fund FY10 and FY11]

Insert: "80,000 80,000" [state special fund FY10 and FY11]

87. Page C-13.

Following: line 20

Insert: "If Senate Bill No. 300 is not passed and approved, Fertilizer Check-Off Research is void."

88. Page C-14.

Strike: line 1 through line 2

Insert: "If House Bill No. 676 is not passed and approved with an amendment to the coal tax shared fund, Growth Through Agriculture Grants is void."

89. Page D-3.

Following: line 12

Insert: "b. Major Litigation -- Yellowstone Compact (Restricted/Biennial/OTO)
300,000 300,000" [general fund FY 2010 and FY 2011]

90. Page D-3, line 15.

Strike: "626,199 626,647" [state special fund FY 2010 and FY 2011]

Insert: "1,728,684 1,724,016" [state special fund FY 2010 and FY 2011]

91. Page D-3, line 21.

Strike: "5,770,645 5,785,557" [state special fund FY 2010 and FY 2011]

Insert: "7,545,295 9,256,924" [state special fund FY 2010 and FY 2011]

92. Page D-4.

Strike: line 2 through line 3 in their entirety

93. Page D-6, line 7.

Strike: "18,688,030 18,636,797" [general fund FY10 and FY11]

Insert: "18,938,030 18,886,797" [general fund FY10 and FY11]

Strike: "293,456 293,456" [state special fund FY10 and FY11]

Insert: "43,456 43,456" [state special fund FY10 and FY11]

94. Page D-6.

Following: line 7

Insert: "a. Relocate Lewis and Clark County Office Due to SB 158 Impact (Restricted/OTO) 59,043 7,556"[general fund FY 2010 and FY 2011]

95. Page D-6.

Strike: line 17 through line 20 in their entirety

Insert: "Funding in Relocate Lewis and Clark County Office Due to SB 158 Impact is contingent upon and passage

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and approval of Senate Bill No. 158. If Senate Bill No. 158 is not passed and approved, funding in Relocate Lewis and Clark County Office Due to SB 158 Impact is void."

96. Page D-7, line 10.

Strike: "58,359,201" [general fund FY 2011]

Insert: "59,859,201" [general fund FY 2011]

97. Page D-7, line 22.

Strike: "2,061,653 2,064,664" [general fund FY 2010 and FY 2011]

Insert: "962,154 965,016" [general fund FY 2010 and FY 2011]

98. Page D-8.

Strike: line 1 through line 2 in their entirety

Renumber: subsequent subsections

99. Page D-8.

Following: line 4

Insert: "b. License Plate Budget (OTO)

1,099,499" [general fund FY 2010]

100. Page D-8.

Following: line 14

Insert: "Community Corrections includes an increase of \$1,500,000 in general fund money in fiscal year 2011. The agency may allocate this increase in funding among programs when developing 2011 biennium operating plans.

Community Corrections includes \$392,625 in general fund money in fiscal year 2010 and \$785,249 in general fund money in fiscal year 2011 that may be used only for provider rate increases for contracted community corrections services such as prerelease centers and treatment programs. "

101. Page D-8.

Following: line 22

Insert: "If Senate Bill No. 508 is not passed and approved, general fund money in Montana Correctional Enterprises is increased by \$1,099,499 in fiscal year 2010 and \$1,099,648 in fiscal year 2011 and the item License Plate Budget is void. If Senate Bill No. 508 is not passed and approved, \$2,886,308 in general fund money is appropriated as a restricted, biennial, one-time-only appropriation to support the reissue of license plates as required in 61-3-332."

102. Page E-1, line 13.

Strike: "528,979,895 529,951,539" [general fund FY10 FY11]

Insert: "528,670,835 541,158,569" [general fund FY10 FY11]

103. Page E-2.

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Following: line 15

Insert: "n. HB 464 -- Advancing Agricultural Education in Montana (Restricted/Biennial)
110,750 113,250" [general fund FY10 & FY11]

104. Page E-3.

Following: line 7

Insert: "If House Bill No. 464 is not passed and approved, the item for HB 464 -- Advancing Agricultural Education in Montana is void."

105. Page E-4, line 9.

Strike: "3,515,682 3,504,253" [general fund FY10 and FY11]

Insert: "3,558,182 3,546,753" [general fund FY10 and FY11]

106. Page E-4, line 14.

Strike: "\$118,881"

Insert: "\$76,381"

107. Page E-5, line 10.

Strike: "863,530 863,523" [state special fund FY10 and FY11]

Insert: "803,530 803,523" [state special fund FY10 and FY11]

108. Page E-5, line 11.

Strike: "2,496,928 2,711,111" [general fund FY10 and FY11]

Insert: "2,538,648 2,752,830" [general fund FY10 and FY11]

109. Page E-5.

Following: line 15

Insert: "c. Library Courier Services Pilot Project (Restricted/OTO) 80,000 80,000" [state special fund FY10 and FY11]

110. Page E-5, line 20.

Strike: "\$55,456 EACH YEAR OF THE BIENNIUM"

Insert: "\$13,736 in fiscal year 2010 and \$13,737 in fiscal year 2011"

111. Page E-6.

Strike: line 1 through line 3

Insert: "If House Bill No. 676 is not passed and approved with an amendment to the coal tax shared fund, Library Courier Services Pilot Project is void."

112. Page E-6, line 7.

Strike: "1,087,870 1,103,458" [general fund FY10 and FY11]

Insert: "1,130,370 1,145,958" [general fund FY10 and FY11]

113. Page E-7, line 5.

Strike: "\$54,217"

Insert: "\$11,717"

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114. Page E-7, line 9.

Strike: "2,275,234 2,284,338" [general fund FY10 & FY11]

Insert: "1,506,806 1,515,912" [general fund FY10 & FY11]

115. Page E-7, line 19.

Strike: "8,710,093 8,710,093" [general fund FY10 & FY11]

Insert: "8,535,484 8,535,483" [general fund FY10 & FY11]

116. Page E-8, line 6.

Strike: "128,382,795 130,694,418" [general fund FY10 & FY11]

Insert: "129,325,832 131,637,454" [general fund FY10 & FY11]

117. Page E-8.

Following: line 8

Insert: "b. Montana State University-Northern -- Biodiesel Research (Biennial/OTO) 400,000" [general
f u n d
FY2010
]

Renumber: subsequent subsections

118. Page E-8.

Strike: line 13 through line 14 in their entirety

Renumber: subsequent subsections

119. Page E-10.

Following: line 5

Insert: "OCHE--Administration includes a reduction in general fund money of \$768,428 in fiscal year 2010 and \$768,426 in fiscal year 2011. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans."

120. Page E-10.

Following: line 10

Insert: "OCHE--Community College Assistance includes a reduction in general fund money of \$174,609 in fiscal year 2010 and \$174,610 in fiscal year 2011. The agency may allocate these reductions in funding among programs when developing 2011 biennium operating plans.

The variable cost of education for each full-time equivalent student at the community colleges, including Summitnet, is \$2,194 for each year of the 2009 biennium. The general fund appropriation for OCHE--Community College Assistance in [this act], the general fund appropriation for Community College Assistance--Restore to Governor's December 15 Budget in House Bill No. 645, and the federal special revenue appropriation for Community Colleges Tuition Mitigation in House Bill No. 645 provide 50.8% of the fixed cost of education plus 50.8% of the variable cost of education for each full-time equivalent student in fiscal year 2010 and fiscal year 2011. The remaining percentage of the budget must be paid from funds other than those appropriated in House Bill No. 2 or House Bill No. 645.

The sum of the general fund appropriation for OCHE--Community College Assistance in [this act], the general fund appropriation for Community College Assistance--Restore to Governor's December 15 Budget in House

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Bill No. 645, and the federal special revenue appropriation for Community Colleges Tuition Mitigation in House Bill No. 645 is calculated to fund education in the community colleges for an estimated 2,434 resident FTE students in fiscal year 2010 and 2,535 resident FTE students in fiscal year 2011. If total resident FTE student enrollment in the community colleges is greater than the estimated number for the biennium, the community colleges shall serve the additional students without a state general fund contribution. If actual resident FTE student enrollment is less than the estimated number for the biennium, the community colleges shall revert general fund money to the state in accordance with 17-7-142."

121. Page E-11, line 12.

Strike: "\$3,612,195"

Insert: "\$2,669,158"

Strike: "\$3,612,194"

Insert: "\$2,669,158"

For the Senate:

Bales, Chairman
Lewis
Schmidt

For the House:

Sesso, Chairman
Hiner
Hawk
Jones

FREE CONFERENCE COMMITTEE
on **House Bill 123**
Report No. 1, April 28, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 123** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 123** (reference copy -- salmon) be amended as follows:

1. Page 4, line 10.

Strike: "2012"

Insert: "2013"

For the Senate:

Brueggeman, Chairman
T. Brown
Hansen

For the House:

Villa, Chairman
A. Noonan
Jones
Ankney

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Augare in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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SB 263 - Governor's Amendments - Representative Menahan moved Governor's amendments to **SB 263** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Vincent.

Total 1

SB 5 - Free Conference Committee Report No. 1 - Representative Sesso moved the Free Conference Committee report to **SB 5** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boniek, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 75

Nays: B. Beck, Bennett, Blasdel, Brown, Driscoll, Hendrick, Ingraham, Kasten, Kerns, Lake, Mendenhall, Miller, More, Morgan, A. Noonan, Randall, Regier, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 645 - Free Conference Committee Report No. 1 - Representative Sesso moved the Free Conference Committee report to **HB 645** be adopted. Motion carried as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel,

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MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 69

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hendrick, Howard, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, A. Noonan, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Augare moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Jones, Jopek, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: Arntzen, Bennett, Blasdel, Boniek, Hendrick, Ingraham, Kasten, Kerns, McGillvray, Mendenhall, Miller, More, Randall, Regier, Sales, Smith, Stahl, Wagner, Warburton.

Total 19

Excused: Hoven, Kottel.

Total 2

Absent or not voting: Ankney, Welborn.

Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House recess until 10:30 a.m., Tuesday, April 28, 2009. Motion carried.

House recess at 9:10 a.m.

The House came to order at 10:32 a.m.

Roll Call. All members present, except Representative Hoven and Kottel, excused. Quorum present.

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Augare in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 123 - Conference Committee Report No. 1 - Representative Jones moved the Conference Committee report to **HB 123** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 88

Nays: Becker, Boniek, Butcher, Caferro, Kasten, Kerns, McGillvray, Miller, Regier, Sales, Stahl, Wiseman.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Free Conference Committee Report No. 1 - Representative Sesso moved the Conference Committee report to **HB 2** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Boland, Boss Ribs, Brown, Caferro, Campbell, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Villa, Washburn, Welborn, Wiseman.
Total 63

Nays: Bean, B. Beck, Bennett, Blasdel, Blewett, Boniek, Butcher, Cohenour, Getz, Hands, Hendrick, Howard, Ingraham, Kasten, Kerns, Kottel, Lake, Malek, McAlpin, Mendenhall, More, A. Noonan, Randall, Regier, Sales, Smith, Sonju, Stahl, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Wilmer, Wilson, Mr. Speaker.
Total 37

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

HB 676 - Free Conference Committee Report No. 1 - Representative Sesso moved the Conference Committee report to **HB 676** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.
Total 76

Nays: Bennett, Boniek, Brown, Hands, Howard, Ingraham, Kasten, Kerns, McGillvray, Mendenhall, More, A. Noonan, Nooney, Randall, Sales, Smith, Sonju, Stahl, Vance, Van Dyk, Villa, Vincent, Wagner, Wilmer.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 - Free Conference Committee Report No. 1 - Representative Jopek moved the Conference Committee report to **HB 658** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Blewett, Boniek, Butcher, Campbell, Driscoll, Fleming, French, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacDonald, MacLaren, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Sales, Sands, Smith, Stoker, Taylor, Vance, Van Dyk, Vincent, Washburn, Welborn, Mr. Speaker.
Total 58

Nays: Augare, Barrett, Becker, Belcourt, Boland, Boss Ribs, Brown, Caferro, Cohenour, Dickenson, Ebinger, Furey, Getz, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, Malek, McAlpin, McChesney, McClafferty, Menahan, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Sesso, Sonju, Stahl, Steenson, Villa, Wagner, Warburton, Wilmer, Wilson, Wiseman.
Total 42

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Augare moved the Committee of the Whole report be adopted. Report adopted as follows:

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Yeas: Ankney, Arntzen, Augare, Bean, Belcourt, Bennett, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Van Dyk, Wagner, Washburn, Welborn, Wilmer, Mr. Speaker.

Total 76

Nays: B. Beck, P. Beck, Becker, Berry, Blasdel, Boniek, Kasten, Kerns, McGillvray, Miller, Sales, Stahl, Vance, Villa, Vincent, Warburton, Wilson, Wiseman.

Total 18

Excused: Hoven, Kottel.

Total 2

Absent or not voting: Barrett, Butcher, Hollandsworth, MacDonald.

Total 4

MOTIONS

Rep. Himmelberger moved to reconsider actions on **SB 348** and that it be placed on 3rd Reading this the 90th Legislative day. Simple majority vote required. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, Becker, Bennett, Berry, Blasdel, Brown, Caferro, Dickenson, French, Furey, Grinde, Hamilton, Hands, Hendrick, Henry, Himmelberger, Hollandsworth, Howard, Ingraham, Klock, MacDonald, MacLaren, Malek, McAlpin, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Reinhart, Roberts, Smith, Stahl, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson.

Total 55

Nays: Bean, P. Beck, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, Getz, Glaser, Hawk, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Kasten, Kerns, Lake, McChesney, McClafferty, Mehlhoff, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Roundstone, Sales, Sands, Sesso, Sonju, Steenson, Stoker, Villa, Washburn, Wiseman, Mr. Speaker.

Total 43

Excused: Hoven, Kottel.

Total 2

Absent or not voting: None.

Total 0

Rep. Mendenhall moved to place **SJR 25** on 2nd Reading this the 90th Legislative Day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer.

Total 47

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Nays: Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Wilson, Wiseman, Mr. Speaker.

Total 51

Excused: Hoven, Kottel.

Total 2

Absent or not voting: None.

Total 0

Rep. Phillips announced that the House Democrats will caucus immediately after session.

Representative Campbell moved that the House recess until 1:30 p.m., Tuesday, April 28, 2009. Motion carried.

House recess at 11:28 a.m.

The House came to order at 1:30 p.m.

Roll Call. All members present, except Representative Hoven and Kottel, excused. Quorum present.

MESSAGES FROM THE SENATE

Free Conference Committee Report No.1 passed 2nd Reading:

4/28/2009

HB 2, introduced by Sesso

HB 123, introduced by Jones

HB 658, introduced by Jopek

HB 676, introduced by Sesso

Governor's amendments to Senate bill concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/28/2009

SB 476, introduced by Shockley

House bill concurred in and returned to the House:

4/28/2009

HB 644, introduced by Sesso

House bill concurred in and returned to the House:

4/28/2009

HB 213, introduced by Sesso

House joint resolution concurred in and returned to the House:

4/28/2009

HJR 32, introduced by Ebinger

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Governor's amendments to House bill concurred in and returned to the House: 4/28/2009

HB 11, introduced by Sesso

House amendments to Senate bill concurred in: 4/28/2009

SB 510, introduced by Gebhardt

Free Conference Committee Report No.1 adopted: 4/28/2009

HB 5, introduced by Sesso

HB 371, introduced by Cohenour

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Speaker Bergren in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 476 - Governor's Amendments - Representative Blewett moved Governor's amendments to **SB 476** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 99

Nays: Mendenhall.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Speaker Bergren moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll,

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Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 96

Nays: Randall.

Total 1

Excused: Hoven, Kottel.

Total 2

Absent or not voting: Stahl.

Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 2 Free Conference Committee report, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Belcourt, Boland, Caferro, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, MacDonald, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Sesso, Steenson, Stoker, Taylor, Villa, Washburn, Welborn, Wiseman.

Total 56

Nays: Bean, Becker, Bennett, Berry, Blasdel, Blewett, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Hands, Hendrick, Howard, Ingraham, Kasten, Kerns, Kottel, Lake, MacLaren, Malek, McAlpin, McGillvray, Mendenhall, Miller, More, A. Noonan, Randall, Regier, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Vance, Van Dyk, Vincent, Wagner, Warburton, Wilmer, Wilson, Mr. Speaker.

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 5 Free Conference Committee report, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney,

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McClafferty, McNutt, Menahan, Milburn, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 73

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Morgan, A. Noonan, Randall, Regier, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Wagner.

Total 26

Excused: None.

Total 0

Absent or not voting: Mehlhoff.

Total 1

HB 123 Free Conference Committee report, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 86

Nays: Becker, Berry, Boniek, Caferro, Kasten, Kerns, McGillvray, Miller, More, Morgan, Randall, Regier, Sales, Wiseman.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 645 Free Conference Committee report, adopted as follows:

Yeas: Ankney, Augare, P. Beck, Belcourt, Berry, Boland, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, MacDonald, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Sesso, Steenson, Stoker, Washburn, Welborn, Wilson, Wiseman.

Total 51

Nays: Arntzen, Barrett, Bean, B. Beck, Becker, Bennett, Blasdel, Blewett, Boniek, Boss Ribs, Brown, Butcher, Campbell, Hamilton, Hands, Hendrick, Howard, Ingraham, Kasten, Kerns, Kottel, Lake, MacLaren, Malek, McAlpin, McGillvray, Mendenhall, Miller, More, A. Noonan, Peterson, Randall, Regier, Reichner, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Wilmer, Mr.

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Speaker.
Total 49

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 Free Conference Committee report, adopted as follows:

Yeas: Ankney, Arntzen, Bean, P. Beck, Bennett, Berry, Blasdel, Blewett, Boniek, Butcher, Driscoll, Ebinger, Fleming, French, Getz, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacDonald, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, More, Morgan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Stoker, Taylor, Vance, Van Dyk, Vincent, Washburn, Welborn, Mr. Speaker.
Total 57

Nays: Augare, Barrett, B. Beck, Becker, Belcourt, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Furey, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, Malek, McAlpin, McClafferty, Menahan, Miller, A. Noonan, P. Noonan, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Villa, Wagner, Warburton, Wilmer, Wilson, Wiseman.
Total 43

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 676 Free Conference Committee report, adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Belcourt, Blewett, Boland, Boss Ribs, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Taylor, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilson, Wiseman, Mr. Speaker.
Total 75

Nays: Bean, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Howard, Ingraham, Kasten, Kerns, McGillvray, Mendenhall, Miller, More, Peterson, Randall, Sales, Smith, Sonju, Stahl, Vance, Vincent, Wagner, Wilmer.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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SB 263 Governor's Amendments, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 348 failed (due to 2/3 vote requirement) concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Caferro, Dickenson, French, Furey, Grinde, Hamilton, Hands, Henry, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Klock, MacDonald, MacLaren, Malek, McAlpin, McGillvray, McNutt, Menahan, Mendenhall, Milburn, Miller, More, Nooney, O'Hara, Peterson, Phillips, Regier, Reichner, Reinhart, Roberts, Smith, Taylor, Vance, Van Dyk, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson.

Total 55

Nays: P. Beck, Belcourt, Blewett, Boland, Boss Ribs, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Fleming, Getz, Glaser, Hawk, Hendrick, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Kasten, Kerns, Kottel, Lake, McChesney, McClafferty, Mehlhoff, Morgan, A. Noonan, P. Noonan, Pease-Lopez, Pomnichowski, Randall, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Villa, Washburn, Wiseman, Mr. Speaker.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 476 Governor's amendments, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara,

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Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Blasdel, Sonju, Vincent.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Mehlhoff moved to have his vote changed on **HB 5** to a 'YES'. Rep. Sales objected. Motion failed.

ANNOUNCEMENTS

Mr. Speaker made an announcement about final paychecks.

SPECIAL ORDERS OF THE DAY

Mr. Speaker thanked the Rostrum Staff for their hard work.

Keif Storrar - Journal Clerk

Nathan Schulfer - Vote Clerk

Sarah Singer - Bill Reader

Dave Hunter - Chief Clerk of the House

Tara Jensen - Deputy Chief Clerk of the House

Mikelle Joki - Secretary of the Chief Clerk

Trudy Skari - Bills Clerk

Haley Nelson - Bills Coordinator

Mary Baumgartner - Amendments Coordinator

Tyrell Hibbard - Status Input Technician

Ed Tinsley - Sgt.-at-Arms and the entire security team.

Mr. Speaker asked Rep. Sands and Rep. D. Brown to approach the well of the House.

Rep. Sands and D. Brown made some remarks about leadership and thanked the leadership of the House of Representatives.

Leadership from both sides of the isle approached the well of the House.

Rep. Sands thanked the Democratic majority leaders for all their hard work:

Rep. Wilmer, Speaker Pro Tempore

Rep. Campbell, Majority leader

Rep. Phillips, Majority Caucus Leader

Rep. French, Majority Whip

Rep. Augare, Majority Whip

Rep. D. Brown thanked the Republican minority leaders for all their hard work:

Rep. Sales, Minority Leader

Rep. Mendenhall, Minority Floor Leader

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Rep. McGillvray, Assistant Minority Floor Leader
Rep. D. Brown Minority Whip
Rep. Jones, Minority Whip
Rep. Kerns, Minority Whip
Rep. Vincent, Minority Whip

Rep. Sands thanked the Speaker of the House Representative Bob Bergren and thanked him for his leadership and service to the state of Montana.
Rep. Bergren, Speaker of the House

The following Representatives rose on points of personal privilege to give some short remarks.

Rep. D. Brown
Rep. Wilson
Rep. Lake
Rep. Morgan

Rep. Sales, the House Minority Leader gave his closing remarks.
Rep. Campbell, the House Majority Leader gave her closing remarks.
The Speaker of the House, Bob Bergren, gave his closing remarks.

MOTIONS

Rep. Campbell moved that the Speaker be authorized to appoint a committee of four to notify the Governor that the 61st Legislative Session of the House of Representatives is ready to adjourn sine die.

The Speaker Appoints:

Rep. Stoker
Rep. Brown
Rep. Wilson
Rep. Pease-Lopez

Rep. Campbell moved that the Speaker be authorized to appoint a committee of four to notify the Senate that the 61st Legislative Session of the House of Representatives is ready to adjourn sine die.

The Speaker Appoints:

Rep. Himmelberger
Rep. Lake
Rep. Dickenson
Rep. Henry

Rep. Campbell moved that the Speaker be authorized to appoint a committee of four to notify the Supreme Court that the 61st Legislative Session of the House of Representatives is ready to adjourn sine die.

The Speaker Appoints:

Rep. Augare
Rep. Hendrick
Rep. Hawk
Rep. Cohenour

The House stood at ease and awaited the Select Committees' return.

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The House came to order at 2:18.

Sgt.-at-Arms Tinsley announced that the Honorable Senate Committee await entrance to the House chambers. Sgt.-at-Arms Tinsley escorted the Senate Committee into the House, Sen. Liable, Sen. Tropila, Sen. McGee, Sen. Squires approached the well of the House.

Sen. Liable announced that the Senate had commenced with it's work and was ready to adjourn the 61st Legislative Session, sine die.

Mr. Speaker thanked the Senate Committee and Sgt.-at-Arms Tinsley escorted them from the House Chambers.

The Select Committee appointed to notify the Supreme Court that the House was ready to adjourn sine die, returned to inform the Speaker and the Body that the Supreme Court had been notified.

The Select committee was dissolved.

The Select Committee appointed to notify the Senate that the House was ready to adjourn sine die, returned to inform the Speaker and the Body that the Senate had been notified.

The Select committee was dissolved.

The Select Committee appointed to notify the Governor that the House was ready to adjourn sine die, returned to inform the Speaker and the Body that the Governor had been notified.

The Select committee was dissolved.

Mr. Speaker thanked the Select Committees.

Majority Leader Campbell moved that the 61st session of the Montana House of Representatives Sine Die. Motion carried.

61st Legislature adjourned 2:22 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House

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Helena, Montana
2009

House Chambers
State Capitol

COMMUNICATIONS AND PETITIONS

The House journals for the 89th and 90th days have been found to be correct, signed and filed with the Secretary of State.

MESSAGES FROM THE SENATE

Free Conference Committee Report No.1 adopted:

4/28/2009

HB 123, introduced by L. Jones

HB 2, introduced by Sesso

HB 645, introduced by Sesso

HB 658, introduced by Jopek

HB 676, introduced by Sesso

MESSAGES FROM THE GOVERNOR

April 29, 2009

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill 629, "**AN ACT PROVIDING THAT ANY SCHOOL TRUST LAND INTEREST AND INCOME IN EXCESS OF \$1 MILLION MUST BE DEPOSITED IN THE SCHOOL FLEXIBILITY ACCOUNT; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 17-7-502, 20-9-342, AND 20-9-542, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.**"

Pursuant to a trigger mechanism tied to the legislature's revenue estimate, House Bill 629 diverts money that otherwise would be deposited in the guarantee account (codified at § 20-9-342, MCA) for distribution to school districts through state equalization aid, and instead directs the

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deposit of that money in the school flexibility account (codified at § 20-9-542, MCA), outside the state's funding formula for K-12 public schools, which could be used by school districts for broad miscellaneous purposes.

While I understand that schools may welcome the potential distribution of money under House Bill 629, my objection is that the redistribution of funds provided for in the bill is contrary to virtually all the deliberate and targeted actions supported by my Administration and taken by the Legislature to rectify the deficiencies in Montana's school funding formula identified by the Montana Supreme Court in *Columbia Falls Elementary School District No. 6 v. State of Montana*, 2005 MT 69. Although the legal challenge has been resolved, our responsibility to adhere to the constitutional requirement that the legislature provide "a basic system of free quality public elementary and secondary schools" remains. Mont. Const. Article X, section 1(3); § 20-9-309, MCA.

Montana's guarantee account is a cornerstone of Montana's school funding formula. By statute, it "is intended to: (a) stabilize the long-term growth of the permanent fund [the public school fund provided for in Article X, section 2 of the Montana Constitution]; and (b) maintain a constant and increasing distributable revenue stream [to school districts]." § 20-9-342(1), MCA. I believe the diversion of potentially significant amounts of interest and income from the guarantee fund to the flex fund is a significant setback to the work we have accomplished in the last four years to establish a school funding formula that was upheld by a state district court and is a shortsighted investment of money in ways not tied to Montana's school funding formula.

I ask that you sustain my veto of House Bill 629 for the important legal, policy, and fiscal reasons stated above.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

April 29, 2009

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the

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State of Montana, I hereby veto Senate Bill 460, **“AN ACT PROVIDING FOR A FEDERAL ECONOMIC STIMULUS PROGRAM OVERSIGHT COMMISSION; PROVIDING FOR MEMBERS AND DUTIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.”**

The Legislature has passed House Bill 645, the bill to appropriate approximately \$880 million in federal stimulus funding for Montana. Federal stimulus funding equates to roughly 10% of the state’s entire budget for the 2011 biennium. Senate Bill 460, sponsored by Senator Story, creates a special Economic Stimulus Program Oversight Commission to “oversee” the distribution and use of any federal economic stimulus program funds. My decision to veto this bill is based on two primary factors.

First, I believe the creation of a new Commission is unnecessary and a waste of taxpayer money. Any legislative review of the expenditure of federal stimulus dollars can be accomplished equally effectively by existing legislative committees, such as the Legislative Finance Committee and the Legislative Audit Committee. As explained above, federal stimulus money comprises only about 10% of the entire state budget, and, as required by federal law, the vast majority of the federal stimulus dollars are appropriated to existing programs. It escapes me why an entire new Commission is necessary to oversee the expenditure of this money, which by and large is appropriated to existing programs.

Second, I object to particular duties of the Commission described in Senate Bill 460. Specifically, the bill provides that the Commission may establish a website to foster greater accountability and transparency. However, the American Recovery and Reinvestment Act (“ARRA”), itself, contains requirements for accountability and transparency, for which I, as Governor, and head of the executive branch, am accountable. Pursuant to the requirements of the ARRA, my administration has already created a website, and is investing in tools to enhance the website, which comport with federal law and guidance concerning transparency. The site can be found on the internet at <http://recovery.mt.gov/default.mcp.x>. I believe a website created by the Commission would not only be confusing to the public but would be an unnecessary duplication of the required site that is already in existence. This, itself, would be a waste of taxpayer resources.

Similarly, Senate Bill 460 directs the Commission to “determine the transparency in bidding and the contracting process.” A major feature of the ARRA is its strict requirements concerning transparency and accountability, and federal agencies will be monitoring Montana’s compliance with those requirements. As stated, the executive has already begun complying through creation of the website referred to above. Indeed, if Montana does not comply with federal transparency requirements, the state runs the risk of losing these federal dollars. Additionally, Montana procurement laws already provide standards related to the transparency of state contracts. It is unclear what benefit would be provided by creating a Commission to “determine” these matters,

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where there are numerous safeguards already in place to assure transparency in the spending of the federal stimulus money.

Finally, I find it inappropriate to falsely empower a Commission to determine the “adequacy of public notice and opportunity for comment and input” with respect to the spending of federal stimulus dollars when the Montana Constitution and Montana statutes are abundantly clear about these requirements. Appropriate public notice and comment is a constitutional right of Montanans to which my administration adheres. Senate Bill 460 suggests otherwise, and I oppose that aspect of it, as well..

Notwithstanding my objections to particular provisions of Senate Bill 460, as stated above, I anticipate that existing legislative committees, with their existing resources, will conduct much of the work assigned under the bill to be performed by the Commission. For example, I expect the legislative branch will watch to ensure legislative intent in funding projects is being followed, projects are being coordinated, and waste and duplication is avoided. I commit to you that within the framework established by the Montana Constitution and existing laws, my administration will work with the legislative branch as these federal dollars are spent to ensure that the Legislature has the information it needs to perform its duties under the law.

I ask for your support in sustaining my veto of Senate Bill 460.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

April 29, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Bergren:

Please be informed that I have signed the following bills:

April 24, 2009

House Bill 42 sponsored by Representative Reinhart,
House Bill 238 sponsored by Representative Milburn,
House Bill 262 sponsored by Representative Ebinger et al.,
House Bill 269 sponsored by Representative Mehlhoff et al.,
House Bill 306 sponsored by Representative Morgan,

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House Bill 318 sponsored by Representative Kottel,
House Bill 322 sponsored by Representative Blewett et al.,
House Bill 356 sponsored by Representative Wagner,
House Bill 384 sponsored by Representative Villa,
House Bill 449 sponsored by Representative McChesney,
House Bill 487 sponsored by Representative McNutt et al.,
House Bill 562 sponsored by Representative Cohenour,
House Bill 585 sponsored by Representative McClafferty et al.,
House Bill 622 sponsored by Representative Himmelberger,
House Bill 630 sponsored by Representative Sands et al.,
House Bill 653 sponsored by Representative Pomnichowski et al.,
Senate Bill 8 sponsored by Senator Hansen,
Senate Bill 73 sponsored by Senator Hawks,
Senate Bill 79 sponsored by Senator Juneau,
Senate Bill 86 sponsored by Senator J. Tropila,
Senate Bill 108 sponsored by Senator Jent,
Senate Bill 198 sponsored by Senator Lewis et al.,
Senate Bill 231 sponsored by Senator Laible,
Senate Bill 234 sponsored by Senator Gillan et al.,
Senate Bill 281 sponsored by Senator Shockley et al.,
Senate Bill 350 sponsored by Senator Gillan,
Senate Bill 430 sponsored by Senator Hamlett et al.,
Senate Bill 442 sponsored by Senator Laslovich.

Please be informed that I have signed the following bills:

April 26, 2009

House Bill 608 sponsored by Representative Sesso
House Bill 628 sponsored by Representative Stoker.

Please be informed that I have signed the following bills:

April 27, 2009

House Bill 150 sponsored by Representative D. Brown,
House Bill 228 sponsored by Representative Kerns et al.,
Senate Bill 356 sponsored by Senator Zinke,
Senate Bill 451 sponsored by Senator Wanzenried et al.,
Senate Bill 462 sponsored by Senator Steinbeisser,
Senate Bill 464 sponsored by Senator Laslovich et al.

Please be informed that I have signed the following bills:

April 28, 2009

House Bill 4 sponsored by Representative Jones,
House Bill 6 sponsored by Representative McNutt,
House Bill 7 sponsored by Representative McNutt,
House Bill 8 sponsored by Representative McNutt,

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House Bill 55 sponsored by Representative Hawk,
House Bill 108 sponsored by Representative Hollenbaugh,
House Bill 110 sponsored by Representative Sesso,
House Bill 128 sponsored by Representative Sesso,
House Bill 152 sponsored by Representative Hamilton,
House Bill 171 sponsored by Representative Augare,
House Bill 224 sponsored by Representative Hiner et al.,
House Bill 258 sponsored by Representative McChesney,
House Bill 312 sponsored by Representative B. Beck et al.,
House Bill 315 sponsored by Representative Blewett et al.,
House Bill 333 sponsored by Representative P. Noonan et al.,
House Bill 478 sponsored by Representative Grinde,
House Bill 578 sponsored by Representative Caferro,
House Bill 583 sponsored by Representative Fleming et al.,
House Bill 615 sponsored by Representative MacLaren et al.,
House Bill 634 sponsored by Representative McAlpin et al.,
House Bill 636 sponsored by Representative Dickenson et al.,
House Bill 655 sponsored by Representative Belcourt et al.,
House Bill 656 sponsored by Representative Stahl,
Senate Bill 18 sponsored by Senator Wanzenried,
Senate Bill 38 sponsored by Senator Curtiss,
Senate Bill 48 sponsored by Senator Essmann,
Senate Bill 55 sponsored by Senator Steinbeisser,
Senate Bill 97 sponsored by Senator Wanzenried,
Senate Bill 131 sponsored by Senator Williams,
Senate Bill 176 sponsored by Senator Perry,
Senate Bill 204 sponsored by Senator Moss et al.,
Senate Bill 214 sponsored by Senator Steinbeisser et al.,
Senate Bill 260 sponsored by Senator Gillan et al.,
Senate Bill 264 sponsored by Senator Brueggeman,
Senate Bill 271 sponsored by Senator Squires et al.,
Senate Bill 303 sponsored by Senator Wanzenried,
Senate Bill 305 sponsored by Senator Tutvedt et al.,
Senate Bill 310 sponsored by Senator Shockley et al.,
Senate Bill 369 sponsored by Senator Esp,
Senate Bill 404 sponsored by Senator Brueggeman et al.,
Senate Bill 427 sponsored by Senator Laslovich,
Senate Bill 457 sponsored by Senator Branae,
Senate Bill 467 sponsored by Senator Balyeat,
Senate Bill 491 sponsored by Senator Lewis,
Senate Bill 508 sponsored by Senator Brueggeman et al.,

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Senate Bill 511 sponsored by Senator Cooney.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

May 4, 2009

Senator Bob Story, President
Montana Senate
Capitol Building
Helena, MT 59620

Representative Bob Bergren, Speaker
Montana House of Representatives
Capitol Building
Helena, MT 59620

Dear President Story and Speaker Bergren:

The following bills were returned, without signature, to the Secretary of State today, Monday, May 4, 2009.

House Bill 173 sponsored by Representative Hendrick,
House Bill 418 sponsored by Representative Butcher et al.,
House Bill 459 sponsored by Representative Grinde et al.,
House Bill 464 sponsored by Representative O'Hara et al.,
House Bill 657 sponsored by Representative Stahl,
House Bill 659 sponsored by Representative Roberts et al.,
House Bill 670 sponsored by Representative Vincent,
Senate Bill 158 sponsored by Senator Barkus et al.,
Senate Bill 300 sponsored by Senator Steinbeisser,
Senate Bill 396 sponsored by Senator Story.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

May 5, 2009

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Senator Bob Story, President
Montana Senate
Capitol Building
Helena, MT 59620

Representative Bob Bergren, Speaker
Montana House of Representatives
Capitol Building
Helena, MT 59620

Dear President Story and Speaker Bergren:

You will find attached a list of bills that I signed today, May 5th, 2009. All have been delivered to the Secretary of State..

House Bill 3 sponsored by Representative Ankney,
House Bill 10 sponsored by Representative Wiseman,
House Bill 52 sponsored by Representative McNutt,
House Bill 85 sponsored by Representative Sands,
House Bill 97 sponsored by Representative Boland,
House Bill 98 sponsored by Representative Barrett,
House Bill 135 sponsored by Representative Belcourt,
House Bill 154 sponsored by Representative Bergren,
House Bill 194 sponsored by Representative Mendenhall,
House Bill 301 sponsored by Representative Kottel,
House Bill 332 sponsored by Representative Getz et al.,
House Bill 483 sponsored by Representative Jones et al.,
House Bill 486 sponsored by Representative Maclaren,
House Bill 531 sponsored by Representative Nooney,
House Bill 536 sponsored by Representative Malek et al.,
House Bill 557 sponsored by Representative Belcourt,
House Bill 598 sponsored by Representative Noonan,
House Bill 662 sponsored by Representative Arntzen,

Senate Bill 119 sponsored by Senator Esp,
Senate Bill 235 sponsored by Senator Murphy et al.,
Senate Bill 290 sponsored by Senator Jackson et al.,
Senate Bill 400 sponsored by Senator Laslovich,
Senate Bill 446 sponsored by Senator Story.

Sincerely,

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BRIAN SCHWEITZER
GOVERNOR

May 5, 2009

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill 371, **“AN ACT REVISING THE DEFINITION OF "EMPLOYEE" OR "WORKER" WITH RESPECT TO WORKERS' COMPENSATION LAWS; CLARIFYING INJURIES THAT MAY NOT BE CONSIDERED AS ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT; AMENDING SECTIONS 39-71-118 AND 39-71-407, MCA; AND PROVIDING AN EFFECTIVE DATE.”**

Senate Bill 371 establishes a statutory definition for certain injuries that do not arise out of and in the course and scope of employment for purposes of workers' compensation coverage. The definition focuses on injuries that have occurred during breaks and employment-related social events. Presently, in Montana, the determination of whether an employee's injury arises out of and in the course and scope of employment is not codified but is determined based on a four-part test that is derived from well-established common law principles in the area of workers' compensation law. Under the four-part test, coverage is determined based on whether the activity was undertaken at the employer's request, whether the employer compelled the employee's attendance at the activity, whether the employer controlled or participated in the activity, and whether the employer and employee mutually benefitted from the activity. *See, e.g., Courser v. Darby School Dist.*, 214 Mont. 13, 16-17, 692 P.2d 417, 419 (1984). The Montana Supreme Court has repeatedly affirmed that no one factor is determinative in the analysis. Rather, the determination of whether an injury arose during the course and scope of the employment must be based on the “totality of the circumstances.”

To my understanding, Senate Bill 371 was introduced primarily in response to two decisions by the Montana Supreme Court, involving unusual fact patterns, that were objected to by workers' compensation insurers. Based on the opinion of representatives I consulted from the Montana Department of Labor and Industry, I proposed an amendatory veto of the bill to affirm that the bill was consistent with generally recognized principles in workers' compensation law. The Legislature rejected my amendments, thereby raising questions as to the bill's intent and effect.

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In fact, I have heard varying and diverse opinions expressed as to whether the outcome of the two decisions objected to by the insurers would be altered by passage of the legislation. With the above history in mind, I have vetoed this bill because I do not believe it would be helpful – for either workers or employers – to reverse well-settled law and legal principles in Montana regarding workers’ compensation coverage. For workers, a change in the law would create uncertainty, possible denial of coverage, and unnecessary litigation until the new definitions were interpreted by the courts. For employers, too, a change in the law would result in uncertainty. Additionally, absent workers’ compensation coverage, employers would face the possible greater liability exposure under tort theories of recovery. From the discussions among legislators, alone, one thing is clear: there is not unanimity of opinion as to the effects of this legislation.

Last summer, the Labor-Management Advisory Council on Workers’ Compensation within the Department of Labor and Industry, chaired by Lieutenant Governor John Bohlinger, considered the advisability of legislation to address the matters covered by Senate Bill 371. The Advisory Council, containing equal representation from labor and management, did not reach agreement on legislation. In fact, the Advisory Council’s conclusions reflected the same concerns with the legislation as those I expressed above, namely that coverage issues are fact-specific, Montana’s case law is consistent with the case law from other states, and the effect of the court decisions and legislation – in terms of costs and impacts to workers – were unknown. The recommendations of this Advisory Council are persuasive in my decision to veto the bill, as well.

Finally, I mention that the Legislature passed Senate Joint Resolution 30, requesting an interim study to examine, among other things, the premium cost drivers to workers’ compensation insurance in Montana, as compared to other Western states with similar industries. Assuming this issue will be studied by the Legislature, my administration looks forward to working with the interim committee to continue to look at not only the narrow issues raised in this bill but, more importantly, the larger picture as to how workers’ compensation costs can be kept down in Montana.

For the reasons expressed above, I ask for your support to sustain my veto of Senate Bill 371.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

May 14, 2009

The Honorable Linda McCulloch

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Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby deliver to you House Bill 645, "AN ACT IMPLEMENTING THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 . . .," which I have signed into law with items "struck out," or vetoed.

I cannot fairly discuss House Bill 645, the bill to implement the federal stimulus act in Montana, without also commenting upon House Bill 2, the general appropriations act to fund Montana state government for the coming biennium. Combined, I commend the 61st Legislature for passing a fiscally prudent budget through which Montana will live within its means while investing in important programs, such as the voter-passed children's health initiative and Montana's K-12 public schools. Of equal significance, when I submitted my proposed budget to the 61st Legislature for its consideration, I requested an ending fund balance of \$250 million. I am pleased that with passage of these two bills, more than \$250 million remains in the state's savings account in the event the State's actual revenues fall short of current projections.

Turning to House Bill 645, my item vetoes fall into three general categories: the first allows me to exercise my constitutional authority to veto items and actually see a reduction in state expenditures; the second reduces state spending by more than \$4.5 million on items which I believe are unnecessary or excessive; and the third relates to provisions in the bill which I believe are constitutionally infirm. What follows is an explanation for each individual item veto.

First, section 83 of House Bill 645 (page 56) is what I refer to as a general "re-appropriation" provision. It states that any specific item of appropriation that is vetoed or voided in the appropriations section (section 85) of the bill will be automatically appropriated to counties, cities, tribes, and schools under the formula contained in section 57. Absent my veto of section 83, my item vetoes of specific appropriations would not reduce spending in House Bill 645, but would lead to their "re-appropriation" to local governments and Montana tribes. My goal in issuing the item vetoes is to reduce state spending, not to redirect the money to enable other governmental entities to spend it.

Second, I have vetoed the following appropriations, and accompanying narrative provisions:

Welcome Home Loan Program, \$2 million state special revenue (page A-3; sections 60 and 61, pages 49 and 50): While the language establishing this new program would lead the undiscerning reader to believe its purpose was to assist first-time home buyers, the program actually is set up

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to protect financial lenders by shifting the risk of certain home loans exclusively to the State. Under this temporary, new program, lenders, such as banks, could loan money to first-time home buyers for down payments and closing costs to be pledged with federal tax credits. If home buyers failed to repay their loans by June 30, 2010, the State of Montana would be obligated to purchase those loans before August 1, 2010. The effect would be that the State would step into the shoes of the lender holding a defaulted loan obligation – not a particularly desirable position. Furthermore, the State, as a creditor, would be in a subordinate position to the mortgage lender, which would be the first lien holder. To summarize, though billed as a program to assist home buyers, the real effect of the program would be to benefit lending institutions by shifting all risk on these loans to the State. I also note that the State of Montana already has a first-time home buyer program that has been in existence since 1977, and that program is well-run and sufficiently funded.

Rail Transit Authority, \$99,354 state general fund (page C-2): As you know, I have vetoed Senate Bill 291, establishing a Montana Railroad Development Authority. The item vetoed in House Bill 645 would fund the Authority, which I do not support, for the reasons previously stated in my veto message to Senate Bill 291.

Meth Watch, \$500,000 state general fund (pages D-1 and D-2): The Montana Meth Project, a private undertaking, first approached me for state funding as I was preparing my budget to present to the 2007 Legislature for its consideration. Then, I was asked to support “seed money” for the project that was to become self-sustaining. My proposed budget included \$1 million for the Meth Project, and the 2007 Legislature appropriated that amount for the program for the biennium. The Meth Project has not become self-sustaining, and I was asked before the 2009 session to again include money for the project in my proposed budget. A representative of the Montana Meth Project informed me that its annual budget is \$2.1 million, and I included \$500,000 of state funding for the project in my proposal to the Legislature. Additionally, Congress recently appropriated \$1 million for the Montana Meth Project, and, consistent with my original proposal, House Bill 2, which will become law, appropriates \$500,000 to the project for the coming biennium. Again, given these economically difficult times, I do not believe the additional appropriation to this program of \$500,000 in state general funds contained in House Bill 645 is warranted, and for this reason I have vetoed that appropriation. With this item veto, the meth project will need to move toward its own goal of become self-sustaining and raise \$600,000 through private fundraising to reach its projected budget, or, like the rest of us, tighten its belt and manage with less.

Agriculture Experiment Station - Equipment and Infrastructure, \$2 million state general fund (page E-4): House Bill 2 appropriates over \$24 million to Montana’s Agriculture Experiment Stations. Particularly in these difficult economic times, I do not believe the additional \$2 million of general fund appropriations to the Agriculture Experiment Stations in House Bill 645 are necessary. I have asked parents, students, the disabled, and others across the state to tighten

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their belts and live within their means. I am Montana's first, and the nation's only, agricultural researcher and scientist to serve as governor and, naturally, agricultural research is close to my heart. Despite that fact, I am directing that these state-funded agriculture programs limit their expenditures and live within their means, just as the rest of Montana must do.

Third, I have issued one item veto in order to simplify the accounting and tracking of House Bill 13, the state pay plan bill, for the state's budget analysts. Both House Bill 645 and House Bill 13 contain certain identical appropriations to implement House Bill 13, although only one set of these appropriations will become law. I vetoed the duplicate provisions found in House Bill 645 (section 75, pages 54 and 55, and page A-1), and, as a result, all the appropriations to implement the pay plan bill will be contained in the pay plan bill, itself, House Bill 13.

My final item vetoes are found scattered throughout House Bill 645, and strike language that I believe is constitutionally defective. In six instances, House Bill 645 contains narrative that would have either voided or reduced appropriations to programs located in all three branches of government had Senate Bill 100, an unrelated bill, not become law.

Senate Bill 100, increasing distribution of coal severance tax revenue to counties, became law without my signature. Had Senate Bill 100 not passed the legislature, or had I successfully vetoed Senate Bill 100, under the objectionable language found in House Bill 645, the demise of Senate Bill 100 would have reduced or eliminated appropriations to the legislative branch for committee work, the judicial branch for its self-help law program, and three executive branch departments for areas as diverse as worker training, historic preservation, public health standards, and information technology. Thus, funding for these six programs, which are unrelated to the coal tax distribution to counties found in Senate Bill 100, was held "hostage" to the passage of Senate Bill 100.

The Montana Constitution's "single subject" requirement prohibits the legislature from placing a "rider" in one bill in order to hold it hostage dependent upon the outcome of a separate, unrelated bill. My item veto authority, which I have exercised with regard to these objectionable provisions, extends to the veto of "riders." *Cobb v. Schweitzer*, Cause No. CDV-2005-320, Memorandum and Order of December 21, 2006, Montana First Judicial District Court, Lewis and Clark County. I believe the provisions linking the funding of the six unrelated programs to passage or failure of Senate Bill 100 are constitutionally impermissible riders.

I have taken the step of exercising this item veto authority as a notice to the Legislature of my constitutional objections to these provisions. I note that in 2007, I also observed similar provisions in bills winding their way through the Legislature, however those constitutionally problematic "contingent voidness" provisions did not reach my desk. While I recognize that there is a proper use of "contingent voidness" provisions in legislation, when those provisions are contained in wholly unrelated pieces of legislation, are outside the "single subject" rule, and

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are for purposes solely of political leveraging, I do not believe they meet the constitutional standard. To the extent these objectionable provisions were inserted into House Bill 645 to effect my decision on whether to sign, veto, or let become law Senate Bill 100, I also believe they encroached upon my veto authority. So that you also know, my decision to let Senate Bill 100 become law was in no way based upon these troubling provisions in House Bill 645.

In closing, I thank the Legislature for doing its job. Now it is time for me to continue with the business of running the executive branch of government within the policy and budget framework the Legislature established for the State of Montana for the next two years.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

June 8, 2009

Dear Legislator:

This letter is to notify you of the final status of the veto polls conducted by my office with regard to the following bills:

◆ House Bill 629	◆ Senate Bill 349
◆ Senate Bill 291	◆ Senate Bill 460

The voting deadline for the aforementioned bills was June 5, 2009. At least two-thirds of the legislators in each house must vote to approve the override of the Governor's veto in order for vetoed bill(s) to become law. Two-thirds equals at least 67 members of the House, and at least 34 members of the Senate.

None of the respective bill vetoes were overridden. Please find enclosed the complete roll call vote for the veto poll of each bill.

Thank you for your cooperation throughout this process. If you have questions or comments, please contact me at (406) 444-4195 or at lmcculloch@mt.gov. You may also contact the Elections and Government Services Division by phone at (406) 444-4732 or by e-mail at sstevens@mt.gov.

Sincerely,

Linda McCulloch

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Secretary of State

June 15, 2009

Dear Legislator:

This letter is to notify you of the final status of the veto polls conducted by the Secretary of State with regard to the following bill(s):

◆ Senate Bill 371 ◆ Senate Bill 403

The voting deadline for the aforementioned bills was June 11, 2009. At least two-thirds of the legislators in each house must vote to approve the override of the Governor's veto in order for vetoed bill(s) to become law. Two-thirds equals at least 67 members of the House, and at least 34 members of the Senate.

Neither of the respective bill vetoes were overridden. Please find enclosed the complete roll call vote for the veto poll of each bill.

Thank you for your cooperation throughout this process. If you have questions or comments, please contact me at (406) 444-4195 or at lmcculloch@mt.gov. You may also contact the Elections and Government Services Division by phone at (406) 444-4732 or by e-mail at sstevens@mt.gov.

Sincerely,

Linda McCulloch
Secretary of State